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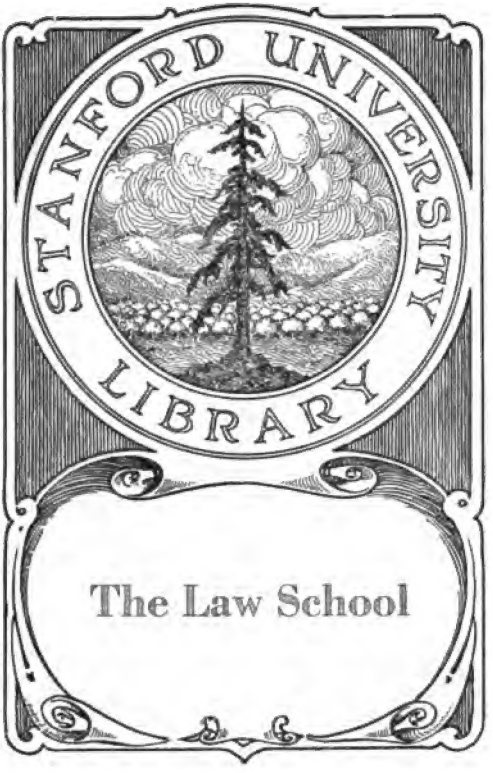

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ANNO VICESIMO-PRIMO ET VICESIMO-SECUNDO

1443

VICTORIÆ REGINÆ

MAGNÆ BRITANNIÆ ET HIBERNIÆ.

At the Parliament begun and holden at *Westminster*, on the Third day of December, *Anno Domini* 1857, in the Twenty-first and Twenty-second years of the Reign of Our Sovereign Lady VICTORIA, by the Grace of God, Queen of the United Kingdom of Great Britain and Ireland, Defender of the Faith, &c.

Being the SECOND Session of the SEVENTEENTH Parliament of the United Kingdom of Great Britain and Ireland.

TORONTO:
PRINTED BY STEWART DERBISHIRE & GEORGE DESBARATS,
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Anno Domini, 1858.

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ANNO VICESIMO-PRIMO & VICESIMO-SECUNDO

VICTORIÆ REGINÆ:

CAP. XCIX.

An Act to provide for the Government of *British Columbia*.

[*2nd August*, 1858.]

WHEREAS divers of Her Majesty's Subjects and others have, by the Licence and Consent of Her Majesty, resorted to and settled on certain wild and unoccupied Territories on the *North*-west Coast of *North America*, commonly known by the Designation of *New Caledonia*, and from and after the passing of this Act to be named *British Columbia*, and the Islands adjacent, for Mining and other Purposes; and it is desirable to make some temporary Provision for the Civil Government of such Territories, until permanent Settlements shall be thereupon established, and the Number of Colonists increased: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as *follows*:

Boundaries of British Columbia.

I. *British Columbia* shall, for the Purposes of this Act, be held to comprise all such Territories within the Dominions of Her Majesty as are bounded to the South by the Frontier of the United States of *America*, to the East by the main Chain of the *Rocky Mountains*, to the North by *Simpson's River* and the *Finlay* Branch of the *Peace River*, and to the West by the *Pacific Ocean*, and shall include *Queen Charlotte's Island*, and all other Islands adjacent to the said Territories, except as hereinafter excepted.

Her Majesty by Order in Council may make or provide for the making of Laws for the

II. It shall be lawful for Her Majesty, by any Order or Orders to be by Her from Time to Time made, with the Advice of Her Privy Council, to make, ordain, and establish, and (subject to such Conditions or Restrictions as to Her shall seem meet) to authorize and empower such Officer as She may from Time

Government of Her Majesty's Subjects and others in British Columbia.

Time to Time appoint as Governor of *British Columbia*, to make Provision for the Administration of Justice therein, and generally to make, ordain, and establish all such Laws, Institutions, and Ordinances as may be necessary for the Peace, Order, and good Government of Her Majesty's Subjects and others therein; provided that all such Orders in Council, and all Laws and Ordinances so to be made as aforesaid, shall be laid before both Houses of Parliament as soon as conveniently may be after the making and Enactment thereof respectively.

Her Majesty may establish a local Legislature in British Columbia.

III. Provided always, That it shall be lawful for Her Majesty, so soon as She may deem it convenient, by any such Order in Council as aforesaid, to constitute or to authorize and empower such Officer to constitute a Legislature to make Laws for the Peace, Order, and good Government of *British Columbia*, such Legislature to consist of the Governor and a Council, or Council and Assembly, to be composed of such and so many Persons, and to be appointed or elected in such Manner and in* for such Periods, and subject to such Regulations, as to Her Majesty may seem expedient.

**Sic.*

Certain Provisions of 43 G. 3, c. 138, and 1 & 2 G. 4, c. 66, as regards British Columbia repealed.

IV. And whereas an Act was passed in the Forty-third Year of King *George* the Third, intituled *An Act for extending the Jurisdiction of the Courts of Justice in the Provinces of* Lower *and* Upper Canada *to the Trial and Punishment of Persons guilty of Crimes and Offences within certain Parts of* North America *adjoining to the said Provinces:* And whereas by an Act passed in the Second Year of King *George* the Fourth, intituled, *An Act for regulating the Fur Trade, and establishing a Criminal and Civil Jurisdiction within certain Parts of* North America, it was enacted, that from and after the passing of that Act the Courts of Judicature then existing or which might be thereafter established in the Province of *Upper Canada* should have the same Civil Jurisdiction, Power, and Authority, within the *Indian* Territories and other Parts of *America* not within the Limits of either of the Provinces of *Lower* or *Upper Canada* or of any Civil Government of the *United States*, as the said Courts had or were invested with within the Limits of the said Provinces of *Lower* or *Upper Canada* respectively, and that every Contract, Agreement, Debt, Liability, and Demand made, entered into, incurred, or arising within the said *Indian* Territories and other Parts of *America*, and every Wrong and Injury to the Person or to Property committed or done within the same, should be and be deemed to be of the same Nature, and be cognizable and be tried in the same Manner, and subject to the same Consequences in all respects, as if the same had been made, entered into, incurred, arisen, committed, or done within the said Province of *Upper Canada*; and in the same Act are contained Provisions for giving Force, Authority,

Authority, and Effect within the said *Indian* Territories and other Parts of *America* to the Process and Acts of the said Courts of *Upper Canada;* and it was thereby also enacted, that it should be lawful for His Majesty, if He should deem it convenient so to do, to issue a Commission or Commissions to any Person or Persons to be and act as Justices of the Peace within such Parts of *America* as aforesaid, as well within any Territories theretofore granted to the Company of Adventurers of *England* trading to *Hudson's Bay* as within the *Indian* Territories of such other Parts of *America* as aforesaid; and it was further enacted, that it should be lawful for His Majesty from Time to Time by any Commission under the Great Seal to authorize and empower any such Persons so appointed Justices of the Peace as aforesaid to sit and hold Courts of Record for the Trial of Criminal Offences and Misdemeanors, and also of Civil Causes, and it should be lawful for His Majesty to order, direct, and authorize the Appointment of proper Officers to act in aid of such Courts and Justices within the Jurisdiction assigned to such Courts and Justices in any such Commission, provided that such Courts should not try any Offender upon any Charge or Indictment for any Felony made the Subject of Capital Punishment, or for any Offence or passing *Sentence* affecting the Life of any Offender, or adjudge or cause any Offender to suffer Capital Punishment or Transportation, or take cognizance of or try any Civil Action or Suit in which the Cause of such Suit or Action should exceed in value the Amount or Sum of Two hundred Pounds, and in every Case of any Offence subjecting the Person committing the same to Capital Punishment or Transportation, the Court, or any Judge of any such Court, or any Justice or Justices of the Peace before whom any such Offender should be brought, should commit such Offender to safe Custody, and cause such Offender to be sent in such Custody for Trial in the Court of the Province of *Upper Canada:*

From and after the Proclamation of this Act in *British Columbia* the said Act of the Forty-third Year of King *George* the Third, and the said recited Provisions of the said Act of the Second Year of King *George* the Fourth, and the Provisions contained in such Act for giving Force, Authority, and Effect within the *Indian* Territories and other Parts of *America* to the Process and Acts of the said Courts of *Upper Canada*, shall cease to have Force in and to be applicable to *British Columbia*.

V. Provided always, That all Judgments given in any Civil Suit in *British Columbia* shall be subject to Appeal to Her Majesty in Council, in the Manner and subject to the Regulations in and subject to which Appeals are now brought from the

Appeal from Judgments in Civil Suits to the Privy Council.

the Civil Courts of *Canada*, and to such further or other Regulations as Her Majesty, with the Advice of Her Privy Council, shall from Time to Time appoint.

Vancouver's Island, as at present established, not to be included in British Columbia.

VI. No Part of the Colony of *Vancouver's Island*, as at present established, shall be comprised within *British Columbia* for the Purpose of this Act; but it shall be lawful for Her Majesty, Her Heirs and Successors, on receiving at any Time during the Continuance of this Act a joint Address from the Two Houses of the Legislature of *Vancouver's Island*, praying for the Incorporation of that Island with *British Columbia*, by Order to be made as aforesaid, with the Advice of Her Privy Council, to annex the said Island to *British Columbia*, subject to such Conditions and Regulations as to Her Majesty shall seem expedient; and thereupon and from the Date of the Publication of such Order in the said Island, or such other Date as may be fixed in such Order, the Provisions of this Act shall be held to apply to *Vancouver's Island*.

"Governor."

VII. In the Construction of this Act the Term "Governor" shall mean the Person for the Time being lawfully administering the Government of *British Columbia*.

Act to continue in force until Dec. 31, 1862.

Expiration of Act not to affect Boundaries, &c.

VIII. This Act shall continue in force until the Thirty-first Day of *December* One thousand eight hundred and sixty-two, and thenceforth to the End of the then next Session of Parliament: Provided always, that the Expiration of this Act shall not affect the Boundaries hereby defined, or the Right of Appeal hereby given, or any Act done or Right or Title acquired under or by virtue of this Act, nor shall the Expiration of this Act revive the Acts or Parts of Acts hereby repealed.

TORONTO:—Printed by S. DERBISHIRE & G. DESBARATS,
Law Printer to the Queen's Most Excellent Majesty.

STATUTES

OF THE

PROVINCE OF CANADA

PASSED IN THE

TWENTY-SECOND YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA

AND IN THE FIRST SESSION OF THE SIXTH PARLIAMENT OF CANADA

Begun and holden at Toronto on the Twenty-Sixth of February, in the year of Our Lord One Thousand Eight Hundred and Fifty-Eight.

HIS EXCELLENCY

SIR EDMUND WALKER HEAD, BARONET,

GOVERNOR GENERAL.

TORONTO:

PRINTED BY STEWART DERBISHIRE AND GEORGE DESBARATS,

LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Anno Domini, 1858.

ANNO VICESIMO-SECUNDO

VICTORIÆ REGINÆ.

CAP. I.

An Act to amend the Naturalization Laws of this Province.

[*Assented to 30th June*, 1858.]

Preamble.

WHEREAS it is expedient further to amend the Naturalization Laws of this Province, and further to shorten the period of continued residence required by the Act passed in the twelfth year of Her Majesty's reign, intituled, *An Act to repeal a certain Act therein mentioned, and to make better provision for the Naturalization of Aliens:* Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

12 V. c. 197.

Required term of residence under sect. 4, reduced to three years.

1. The Act cited in the preamble to this Act shall be so amended as to reduce the term of continued residence required by the fourth section thereof to three years or upwards, instead of seven years or upwards; and the words of the oath required to be taken under section five of the said Act, or in any certificate or other proceeding, shall be varied accordingly.

18 V. c. 6, repealed.

Proviso: saving rights acquired.

2. The Act passed in the eighteenth year of Her Majesty's reign, chapter six, intituled, *An Act to amend the Naturalization Laws of this Province*, shall be and is hereby repealed; Provided always, that the repeal of the said Act shall not affect the naturalization of any person naturalized under it, or any right of any person acquired under and in virtue thereof, but all rights so acquired shall be possessed and enjoyed as if the said Act had not been repealed.

CAP. II.

An Act to make better provision for the punishment of frauds committed by Trustees, Bankers and other persons intrusted with property.

[*Assented to 30th June*, 1858.]

Preamble.

WHEREAS it is expedient to make better provision for the punishment of frauds committed by trustees, bankers, and other persons intrusted with property: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Trustees fraudulently disposing of property, guilty of a misdemeanor.

1. If any person being a trustee of any property for the benefit, either wholly or partially, of some other person, or for any public or charitable purpose, shall, with intent to defraud, convert or appropriate the same, or any part thereof, to or for his own use or purposes, or shall, with intent as aforesaid, otherwise dispose of or destroy such property or any part thereof, he shall be guilty of a misdemeanor.

Bankers, &c., fraudulently selling, &c., property intrusted to their care, guilty of misdemeanor.

2. If any person, being a banker, merchant, broker, attorney or agent, and being intrusted for safe custody with the property of any other person, shall, with intent to defraud, sell, negotiate, transfer, pledge, or in any manner convert or appropriate to or for his own use such property, or any part thereof, he shall be guilty of a misdemeanor.

Persons holding powers of Attorney fraudulently selling property, guilty of a misdemeanor.

3. If any person intrusted with any power of attorney for the sale or transfer of any property, shall fraudulently sell or transfer, or otherwise convert such property or any part thereof to his own use or benefit, he shall be guilty of a misdemeanor.

Bailees fraudulently converting property to their own use, guilty of larceny.

4. If any person, being a bailee of any property, shall fraudulently take or convert the same to his own use, or the use of any person other than the owner thereof, although he shall not break bulk, or otherwise determine the bailment, he shall be guilty of larceny.

Directors, &c., of any body corporate or public Company, fraudulently appropriating property,—

5. If any person, being a director, member, or public officer of any body corporate or public company, shall fraudulently take or apply, for his own use, any of the money or other property of such body corporate or public company, he shall be guilty of a misdemeanor.

Or keeping fraudulent accounts,—

6. If any person, being a director, public officer, or manager of any body corporate or public company, shall as such receive or possess himself of any of the money or other property of such body corporate or public company, otherwise than in payment of a just debt or demand, and shall, with intent

intent to defraud, omit to make or to cause or direct to be made, a full and true entry therof, in the books and accounts of such body corporate or public company, he shall be guilty of a misdemeanor.

Or wilfully destroying books, &c.,—

7. If any director, manager, public officer, or member of any body corporate or public company shall, with the intent to defraud, destroy, alter, mutilate or falsify, any of the books, papers, writings or securities belonging to the body corporate or public company, of which he is a director or manager, public officer or member, or make, or concur in the making of any false entry, or any material omission in any book of account or other document, he shall be guilty of a misdemeanor.

Or publishing fraudulent statements,—

8. If any director, manager, or public officer of any body corporate or public company shall make, circulate or publish, or concur in making, circulating or publishing, any written statement or account which he shall know to be false in any material particular, with intent to deceive or defraud any member, shareholder, or creditor of such body corporate or public company, or with intent to induce any person to become a shareholder or partner therein, or to intrust or advance any money or property to such body corporate or public company, or to enter into any security for the benefit thereof, he shall be guilty of a misdemeanor.

Guilty of misdemeanor.

Persons receiving property fraudulently disposed of knowing it to have been so, guilty of a misdemeanor.

9. If any person shall receive any chattel, money, or valuable security, which shall have been so fraudulently disposed of as to render the party disposing thereof guilty of a misdemeanor under any of the provisions of this Act, knowing the same to have been so fraudulently disposed of, he shall be guilty of a misdemeanor, and may be indicted and convicted thereof, whether the party guilty of the principal misdemeanor shall or shall not have been previously convicted, or shall or shall not be amenable to justice.

Punishment for a misdemeanor under this Act.

10. Every person found guilty of a misdemeanor under this Act, shall be liable, at the discretion of the Court, to be imprisoned in the Provincial Penitentiary for any term not exceeding three years nor less than two years, or to suffer such other punishment, by imprisonment for any term less than two years and with or without hard labour, or by fine, as the Court shall award.

No person exempt from answering questions in any Court, but his answer not admissible as evidence in

11. Nothing in this Act contained shall enable or entitle any person to refuse to make a full and complete discovery by answer to any Bill in Equity, or to answer any question or interrogatory in any civil proceeding in any Court of Law or Equity, or in any Court of Bankruptcy or Insolvency, now in existence or hereafter to be established in this Province; but no answer to any such bill, question or interrogatory shall be admissible

prosecutions under this Act.

admissible in evidence against such person in any proceeding under this Act.

No remedy at law or in equity to be affected by this Act.

12. Nothing in this Act contained, nor any proceeding, conviction or judgment to be had or taken thereon against any person under this Act, shall prevent, lessen or impeach any remedy at law or in equity which any party aggrieved by any offence against this Act might have had, if this Act had not been passed; but no conviction of any such offender shall be received in evidence in any action at law or suit in Equity against him; and nothing in this Act contained shall affect or prejudice any agreement entered into or security given by any trustee, having for its object the restoration or repayment of any trust property misappropriated.

Convictions not to be received in evidence in civil suits.

Sanction of Attorney General requisite to certain prosecutions;

13. No proceeding or prosecution for any offence included in the first section, but not included in any other section of this Act, shall be commenced without the sanction of Her Majesty's Attorney General, for Upper or for Lower Canada, as the case may be, or in case that office be vacant, of Her Majesty's Solicitor General for Upper or for Lower Canada, as the case may be; Provided that when any civil proceeding shall have been taken against any person to whom the provisions of the said first section, but not of any other section of this Act, may apply, no person who shall have taken such civil proceeding shall commence any prosecution under this Act without the sanction of the Court or Judge before whom such civil proceeding shall have been had, or shall be pending.

Or the sanction of a Judge in certain cases.

If offence amounts to larceny, offender not to be acquitted of misdemeanor.

14. If upon the trial of any person under this Act it shall appear that the offence proved amounts to larceny, he shall not by reason thereof be entitled to be acquitted of a misdemeanor under this Act.

Misdemeanors not triable at sessions.

15. No misdemeanor against this Act shall be prosecuted or tried at any Court of General or Quarter Sessions of the Peace.

Interpretation of certain terms;

Trustee.

16. The word "Trustee" shall in this Act mean a Trustee on some express trust created by some deed, will, commission, letters patent, appointment to office, or instrument in writing, and shall also include the heir and personal representative of such Trustee, and also all executors and administrators, and all assignees in Bankruptcy and Insolvency, under any Act of this Province now or hereafter to be in force; and in Lower Canada, the word "Trustee" shall also include any person who is, by the law of that Section of the Province, an "*Administrateur*," and the word "Trust" whatever is by such law an "*Administration*."

Court of Law.

The expression "Court of Law" shall include any Court having civil jurisdiction in Lower Canada.

The

The word "Property" shall include every description of real and personal property, goods, raw or other materials, money, debts and legacies, and all deeds and instruments relating to or evidencing the title or right to any property, or giving a right to recover or receive any money or goods; and such word "Property," shall also denote and include not only such real or personal property as may have been the original subject of a trust, but also any real or personal property into which the same may have been converted or exchanged, and the proceeds thereof respectively, and any thing acquired by such proceeds. Property.

CAP. III.

An Act to amend the law relating to Emigrants.

[*Assented to 30th June*, 1858.]

WHEREAS it is expedient to amend the law relating to Emigrants: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. So much of the Act passed in the sixteenth year of Her Majesty's reign, intituled, *An Act to amend and consolidate the laws relative to Emigrants and Quarantine*, as provides for a less rate or duty for Passengers or Emigrants between the ages of one and fourteen years than for adult Passengers or Emigrants shall be, and the same is hereby, repealed; and from henceforth a uniform rate or duty of five shillings currency shall be raised, levied, collected and paid, as provided for by the said Act, for every Passenger or Emigrant over the age of one year who shall have embarked with sanction, as therein mentioned; and all the provisions of the said Act, in any way relating to the rate or duty of five shillings currency for every adult Passenger or Emigrant, and three shillings and nine pence for every Passenger or Emigrant between the ages of one and fourteen years, who shall have embarked with such sanction, shall hereafter apply to the said uniform rate or duty of five shillings currency, for every Passenger or Emigrant over the age of one year who shall have embarked with such sanction. Act 16 V. c. 86, amended, and uniform duty of 5s. imposed on certain Emigrants.

2. And for the purpose of securing to Foreign Emigrants coming to this Province the observance towards them during the voyage of the laws of the Country from which they are conveyed hither, if during the voyage of any Ship carrying Passengers or Emigrants from any Port not within the United Kingdom to either of the Ports of Quebec or Montreal, the Master, or any of the crew of such Ship, shall be guilty of any infraction of the laws in force in the Country in which such Port is situated, regarding the duties of such Master or crew towards Penalty on Master or Seaman of vessel for non-observance towards Emigrants of laws of their country, or the conditions of contract for their passage.

towards the Passengers in such Ship, or if any Master of any such ship shall during such voyage commit any breach whatever of the contract for the passage which may have been made with any Passenger or Emigrant by such Master, or by the Owner or Charterer of such ship, or any person acting on his behalf, such Master or such one of the crew shall for any such offence be liable to a penalty of not less than twenty dollars, nor more than one hundred dollars, independently of any remedy which the party complaining may otherwise have by law.

Proof of law of foreign country, how to be made.

3. Proof under this Act of the law of a Foreign Country may be made by the testimony of any Consul for the Country from which the ship may have sailed; and the proof of the contract for his passage made by any such Emigrant in any such ship, sailing from any European Port not within the United Kingdom, may be made in all cases by the evidence of the parties to such contract.

Bond required by sect. 12 of 16 V. c. 86, may be dispensed with in certain cases.

4. It shall be lawful for the Collector of Customs at the Port of Quebec, or at the Port of Montreal, as the case may be, to dispense with the Bond, or money in lieu thereof, by the twelfth section of the said Act required, if it shall appear by the certificate of the Medical Superintendent at the Quarantine Establishment (which certificate the said Medical Superintendent is hereby authorized to give) that the passenger with respect to whom such bond or money is required, has become lunatic, idiotic, deaf and dumb, blind or infirm, from some cause not existing or discernible at the time of the departure of the ship from the port where such Passenger embarked.

Provisions for reconveyance to place of embarkation of certain Emigrant passengers likely to become chargeable, after bond given, &c., under 12th sect. of 16 V. c. 86.

5. It shall be lawful for the Chief Agent for Emigration at Quebec (with the sanction of the Governor in Council,) to make arrangements with the Master, Owner or Charterer of the vessel carrying the lunatic, idiotic, deaf and dumb, blind or infirm person with respect to whom, in accordance with the provisions of the said Act, a Bond has been given, or money paid in lieu thereof, or with the Master, Owner or Charterer of any other vessel, for the reconveyance of such person to the port from which he was carried to this Province; and money paid in lieu of or on breach of the condition of a Bond in any such case, or so much thereof as shall be necessary, may be applied to pay for the reconveyance as aforesaid of the person with respect to whom it has been paid, and when such person shall have been so reconveyed, the Bond so given may be cancelled, or the money paid in lieu thereof (deducting the passage money if any) may be returned, on the receipt by the said Chief Agent for Emigration at Quebec, of a certificate of the safe arrival of the lunatic, idiotic, deaf and dumb, blind or infirm person at the port from which he was brought as aforesaid, under the hand of the Chief Emigration Officer or British Consul there, or on proof satisfactory to such Chief Agent for Emigration

Emigration of his having died during the voyage without any fault attaching to the Owner, Master or any of the Crew of such vessel.

No person to act as agent for any Steamboat or Railway Company or Tavern-keeper in booking Emigrant passengers, without a license.

6. No person shall, within the Ports of Quebec or Montreal, or within five miles from the outer boundaries thereof, for hire, reward, or gain, or the expectation thereof, conduct, solicit, influence or recommend any Emigrant to or on behalf of any Steamboat Owner or Charterer, or to or on behalf of any Railway Company, or to or on behalf of any Lodging-House or Tavern-Keeper for any purpose connected with the preparations or arrangements of such Emigrant for his passage to his final place of destination in this Province, or in the United States of America, or the Territories thereof, or give or pretend to give to such Emigrant any information or assistance in any way relating to such passage to his said place of destination, or in any way exercise the vocation of booking passengers or taking money for their inland fare or for the transportation of their luggage, unless such person shall have first obtained a license from the Mayor of the City or Municipality in this Province, within which such person may reside, authorizing him to act in such capacity, and which license such Mayor is hereby authorized to grant on such person producing a recommendation from Her Majesty's Chief Agent for Emigration, or from the Government Emigration Agent at the place where the license may be granted, to the effect that he is a proper person to receive such license, and giving a satisfactory bond to such Mayor, with two sufficient sureties, in the penal sum of three hundred dollars, as security for his good behaviour; which said license shall not be for any period longer than one year from its date; and such person shall pay for such license to the Corporation of such City or Municipality such sum, not exceeding one hundred dollars, as the Mayor and Council shall determine.

How only such license may be obtained.

Keepers of Taverns, Hotels, &c., receiving Emigrants, to post therein, lists of rates of charges, on printed cards.

7. Every keeper of a Tavern, Hotel or Boarding-House in a City, or in any Town, Village or place to which the Governor in Council shall by Proclamation published in the *Official Gazette*, declare that this section shall extend, who shall receive into his house, as a Boarder or Lodger, any Emigrant within three months from his arrival in this Province, shall cause to be kept conspicuously posted in the public rooms and passages of his house and printed upon business cards, a list of the rates of prices which will be charged Emigrants per day and week for board or lodging, or both, and also the rates for separate meals, which card shall contain the name of the keeper of such house, together with the name of the Street in which it is situated and its number in such Street; And every keeper of any such Tavern, Hotel or Boarding-House, who shall neglect or refuse to post a list of rates, or to keep business cards, or who shall charge or receive or permit or suffer to be charged or received for boarding or lodging, or for meals in his house, any sum in excess

excess of the rates of prices so posted and printed on such business cards, or shall omit immediately on any Emigrant entering such house as a boarder or lodger for the purpose of taking any meal therein, to deliver to such Emigrant one of such printed business cards, shall, upon conviction of any of the said offences, be deprived of his license, and incur a penalty of not less than five dollars, nor more than twenty dollars: Provided always, that no such Boarding-House Keeper, Hotel Keeper, or Tavern Keeper shall have any lien on the effects of such Emigrant for any amount claimed for such board or lodging, for any sum exceeding five dollars; and any such person who shall detain the effects of any Emigrant after he shall have been tendered the said sum of five dollars, or such less sum as shall be actually due for board or lodging, shall on conviction thereof, incur a penalty of not less than five dollars, nor more than twenty dollars, over and above the value of the effects so detained, if not immediately restored, and a search warrant may be issued for the same.

Penalty for default.

Proviso: lien of Hotel keepers, &c., on effects of Emigrants limited.

Penalty.

Prosecutions for penalties

8. All prosecutions for penalties under this Act may be brought at the place where the offender may then be, before any Magistrate having jurisdiction in such place, at the suit of any Agent for Emigration in the employ, in this Province, of Her Majesty, and the penalties to be recovered under this Act shall be paid to the Emigration Fund; Provided that the Magistrate before whom the same is recovered shall have the power, in his discretion, of awarding any part of the penalty to the party aggrieved by the infraction of law or breach of contract complained of, and such Magistrate may award costs against the offending parties, as in the ordinary cases of summary proceedings, and such Magistrate is also empowered to award imprisonment for a period not exceeding three months to terminate on payment of any penalty incurred under this Act.

Proviso: Magistrate may award costs.—Or imprisonment in certain cases.

Commencement of Act.

9. This Act shall take effect on the first day of January next, and not before.

CAP. IV.

An Act further to amend the Railway Clauses Consolidation Act.

[*Assented to 30th June*, 1858.]

Preamble.

WHEREAS it is expedient further to amend the Railway Clauses Consolidation Act: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Sect. 16 of Act 14, 15 V. c. 51, amended: as to Contractors.

1. The sixteenth section of the said Railway Clauses Consolidation Act shall be, and the same is hereby, amended by adding to the words "Eighthly. No person holding any office, place or emolument in, or being concerned or interested in any contracts under

under or with the Company, shall be capable of being chosen a Director, or holding the office of Director," in the said section the words, "nor shall any person being a Director of the Company enter into, or be directly or indirectly, for his own use and benefit, interested in any contract not relating to the purchase of land necessary for the Railway with the Company, or be or become a partner of any contractor with the Company; and no contracts for works of construction or maintenance of Railways, except works of ordinary repair, or of immediate necessity, shall be entered into until after tenders for such works respectively shall have been invited by public notice therefor, given for at least four weeks in some newspaper published in the place nearest to the work required to be done; but no Company shall be compelled to accept of any such tender; and in the event of any such contract made after the passing of this Act by or on behalf of any Director, an action shall lie in any Court of Common Law, or other Court of competent jurisdiction against such Director, at the suit of any Shareholder or Stockholder of the Company, for the benefit of the funds thereof, for the whole amount of profit accruing to such Director from the Contract so made or fulfilled."

New provision added to paragraph 8 of the said section.

2. Any Railway Company desiring at any time to change the location of its line of Railway in any particular part for the purpose of lessening a curve, reducing a gradient, or otherwise *benefitting* such line of Railway, or for any other purpose of public advantage, is hereby empowered to make such change; and all and every the clauses of the said Act shall refer as fully to the part of any such line of Railway so at any time changed or proposed to be changed as to the original line.

Changes may be made in the line of a Railway at any time for certain purposes.

"Provided that no Railway Company shall have any right "to extend its line of Railway beyond the termini mentioned "in the Act incorporating such Company."

"No Railway Company shall avail itself of any of the "powers contained in the fifteenth sub-section of the ninth "section of the Act passed in the Session held in the fourteenth "and fifteenth years of Her Majesty's Reign, chapter fifty-one, "without application to the Board of Railway Commissioners, "constituted by the seventeenth section of the Act, intituled, "'An Act to make provision for the construction of a Main "'Trunk Line of Railway throughout the whole length of this "'Province,' of which application notice in writing shall be "given to any other Railway affected, by sending same by "mail, or otherwise, to the address of the President, Superintendent, Managing Director or Secretary of any such Railway "Company, for approval, of the mode of crossing, union or "intersection proposed; and when such approval shall have "been obtained, it shall be lawful for either Railway, in case "of disagreement as to the amount to be paid for compensation, "to proceed for such compensation as provided in the said "sub-section."

"It

"It shall be lawful for the Directors of any Railway Com-
"pany at any time, and from time to time, to make and enter
"into any agreement or arrangement with any other Company,
"either in this Province or elsewhere, for the regulation and
"interchange of Traffic passing to and from the Railways of
"the said Companies, and for the working of the Traffic over
"the said Railways respectively, or for either of those objects
"separately, and for the division and apportionment of tolls,
"rates and charges in respect of such Traffic, and generally in
"relation to the management and working of the Railways, or
"any of them, or any part thereof, and of any Railway or Rail-
"ways in connection therewith, for any term not exceeding
"twenty-one years, and to provide, either by proxy or other-
"wise, for the appointment of a Joint Committee or Committees
"for the better carrying into effect any such agreement or
"arrangement, with such powers and functions as may be
"considered necessary or expedient, subject to the consent of
"two-thirds of the Stockholders voting in person or by proxy."

Act to apply to all Railways.

The provisions of this Act shall, from the passing thereof, apply to every Railway made or to be made in this Province, but shall not apply to any thing done heretofore.

CAP. V.

An Act further to amend the Judicature Acts of Lower Canada.

[*Assented to* 30*th June*, 1858.]

Preamble.

WHEREAS it is desirable further to amend the Laws in force in Lower Canada, relative to the Administration of Justice: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Procedure—Enquête and Hearing.

Inscription for *enquête* and hearing at the same time.

1. Whenever any party to a case then pending in the Superior Court is desirous that such case be heard on the merits as soon as the evidence is closed, such party may at the same time inscribe the case for the adduction of evidence and for final hearing on the merits, and it shall accordingly be so heard as soon as the witnesses present have been heard and notes of their evidence taken, unless the Court deems it conducive to justice to adjourn the case in consequence of the absence of a material witness or other evidence: And the inscription of any such case may be made for any named day during term, or for such days in term, or for such *enquête* days, as hereinafter provided. Provided always, that if either party shall in his declaration, plea, answer or reply in any such case, notify his option that such case be inscribed (at the proper time)

Days for *enquêtes*, &c.

Proviso: such inscription obligatory in certain cases

time) for the adduction of evidence and final hearing on the merits at the same time, or if either party shall, before the inscription of such cause for the adduction of evidence, have notified to the other his option that such cause be inscribed for the adduction of evidence and final hearing on the merits at the same time, then, in either case such cause shall be necessarily so inscribed, and it shall not be in the power of either party to inscribe it otherwise.

at the option of either party.

2. A majority of the Judges of the Superior Court residing in the District of Quebec or in that of Montreal,—or any Judge of the said Court when in any other District,—may, by any Rule of Practice to be by them or him from time to time made, and promulgated by any Judge sitting in term in the same District, appoint special days in term for the adduction of evidence and final hearing on the merits at the same time, in cases before the Court in such District;—And any such Rule may be repealed or altered by any subsequent Rule made and promulgated in like manner:

Rules of practice may be made appointing days for *enquête* and hearing at same time.

And whenever such special days in term are so appointed in any District, no case shall be there inscribed for the adduction of evidence and final hearing on the merits at the same time, on any other day in term: and cases so inscribed shall on such days have precedence over other cases or business before the Court inscribed or fixed for such days, except only cases *taken en délibéré* and in which judgment is to be rendered.

Effect of such rules.

3. A majority of the Judges of the Superior Court residing in the District of Quebec or in that of Montreal, or any Judge of the said Court when in any other District,—may, by any Rule of Practice to be by them or him from time to time made and promulgated by any one Judge sitting in term in the same District, appoint special days among those then appointed as *enquête* days, to be the days for which cases may be inscribed for the adduction of evidence and final hearing on the merits at the same time,—and any such Rule may be repealed or altered by any subsequent Rule made and promulgated in like manner:— And whenever such special days among the *enquête* days are so appointed in any District, cases may be inscribed for the adduction of evidence and final hearing on the merits at the same time, on such days, as if they were special days in term appointed for such purpose under the next preceding section, and the Judge presiding may adjudicate upon such cases and exercise all judiciary powers with respect to them, as if sitting in term;—And any case inscribed for any such special day as aforesaid, if not terminated or adjudicated upon on such day, may be adjourned to any of the subsequent days so appointed as aforesaid from among the *enquête* days, or to any day in term, or to any day in term appointed for the adduction of evidence and final hearing of cases at the same time.

Special days may be appointed for the said purpose from among the *enquête* days.

Cases not finished may be adjourned.

4.

When judgment may be rendered in cases so inscribed.

4. If any case inscribed for the adduction of evidence and final hearing on the merits at the same time, on any of the days appointed as aforesaid from among the *enquête* days, is taken *en délibéré*, judgment may be rendered therein on any other of such days, or on any day in term :—And if any case inscribed for the adduction of evidence and final hearing on the merits on any of the special days in term appointed for that purpose by any Rule of Practice, is taken *en délibéré*, judgment may be rendered therein on any day in term, or on any of the special days appointed from among the *enquête* days, for the adduction of evidence and final hearing of cases at the same time.

Cases so inscribed to have precedence on certain days.

5. Any case inscribed for the adduction of evidence and final hearing on the merits at the same time, on any of the special days appointed as aforesaid from among the *enquête* days, shall have precedence over any case inscribed or fixed for *enquête* only on such day, but not over any case taken *en délibéré* and in which judgment is then to be rendered.

By consent, *enquête* may be taken as before the Act of 1857.

6. With the consent in writing of all the parties to any case in the Superior Court, the *enquête* and evidence therein may be taken in the manner in use before the coming into force of the Lower Canada Judicature Act of 1857, notwithstanding any thing to the contrary in that Act, subject to such additional costs and fees as may from time to time be fixed by any tariff; But in all cases in the said Court in which such consent in writing is not given, the *enquête* shall be taken in the manner prescribed by the said Act.

Proviso : as to additional costs.

Certain powers of Judges at *enquêtes*.

7. Any Judge of the said Court presiding at *enquête* in term or out of term, either in the said Court or in the Circuit Court, shall have the same power to fine witnesses for non-attendance and to commit for contempt, as when sitting in term.

Articulation of facts may be dispensed with in certain cases.

8. With the consent in writing of all the parties to any case in the Superior or Circuit Court, the statement (*articulation*) of facts required by the seventy-fourth section of the Lower Canada Judicature Act of 1857, may be dispensed with in such case, and neither the said section nor any other provision of the said Act respecting or depending on such statement of facts shall, after such consent, apply to such case, which may accordingly be inscribed for the adduction of evidence and final hearing on the merits, or proceedings may be had for bringing the same to trial if it is to be tried by a jury, at any time after issue joined : This section shall not apply to non appealable cases in the Circuit Court, no statement of facts being required to be filed in such cases.

Not to apply to non-appealable cases.

Taxation of any witness to stand as a judgment in his favour.

9. The taxation of any witness in the Superior or in the Circuit Court, shall stand as a judgment in his favour for the amount of such taxation, against the party on whose behalf he was summoned ; And if such sum be not paid, execution may issue

issue accordingly at the expiration of the delay allowed for the issue of execution on judgments in the same Court, such delay being reckoned from the date of the taxation.

Expertise may be ordered by consent,—or *ex officio* in certain cases.

10. Whenever in any case in the Superior Court or Circuit Court, the subject matter of litigation, or any material question incident thereto, is such that it ought to be referred to and investigated by *experts*, the Court or the Judge presiding at the *enquête* may, upon the motion of any of the parties, order an *expertise* according to law, before the adduction of evidence; And the Court or the Judge presiding at the *enquête* in any case in either of the said Courts, may order an *expertise ex officio*, either before any evidence is adduced or at any time during the *enquête*, if in his opinion the subject matter of litigation or any material question incident thereto, is one which according to law ought to be referred to and investigated by *experts*.

Judgments in Vacation, in certain cases.

In default or *ex parte* cases, judgment may be obtained in vacation.

11. If any plaintiff desires to obtain judgment in vacation in any case in the Superior Court, or in any appealable case in the Circuit Court or any non-appealable case therein returnable in vacation, in which the defendant shall have made default or in which for any other reason the plaintiff shall be entitled to proceed *ex parte*, then provided the demand in such case be founded,—

If the action be founded on certain grounds.

1st.—On any *Acte Authentique*, or—

Notes, &c.

2dly.—On any bill of exchange or promissory note, *cédule*, check, note or promise, or other act or private agreement in writing enumerated in section eighty-seven of the Lower Canada Judicature Act of 1857, or—

Accounts.

3rdly.—On any account stated in detail between trader and trader, or between trader and non-trader, or between non-traders for goods sold and delivered, or for any article or thing sold and delivered, or for money lent, or—

Agreements.

4thly.—On any verbal and specific agreement, by which any party shall have promised to pay a sum of money certain,—

Inscription; and rendering of judgment.

Such plaintiff may forthwith inscribe the case for judgment in vacation,—and the Prothonotary, if it be a case in the Superior Court, or the Clerk, if it be a case in the Circuit Court, shall thereupon draw up a judgment accordingly for the amount claimed by the plaintiff, and appearing to be due by any such *acte authentique*, bill of exchange or promissory note, *cédule*, check, note or promise, or other Act or private agreement in writing, account or agreement as aforesaid whereon the demand is founded,—which judgment shall be held to be the judgment of the Court and shall be recorded and executed

executed accordingly, subject to the provisions hereinafter made:

Affidavit required and to what effect, and by whom.

But no plaintiff in any such case, either in the Superior or in the Circuit Court, founded upon an account stated or upon a verbal agreement, shall be entitled to inscribe the same for judgment as aforesaid, unless such plaintiff do at the time of so inscribing the case, file an affivavit in the form of the Schedule A or B (as the case may be) to this Act, wherein such plaintiff or one of the Plaintiffs (if there be more than one,) or some other credible person cognizant of the fact, (whether competent or not as a witness in the case,) shall swear that the amount demanded is due by the defendant to the plaintiff;—the affidavit of one person that the whole amount is due to his knowledge shall be sufficient, but several affidavits of several persons, each of whom shall swear that a certain part of such amount is due to his knowledge, shall also be sufficient, provided the total amount of the sums so sworn to be equal to that for which judgment is prayed :- -

May be made by more than one person in certain cases.

Before whom to be made.

Any affidavit under this section may be made before a Judge of the Superior Court, or before the Prothonotary or Clerk of the Superior or Circuit Court at the place where the case is pending, or before any Commissioner for receiving affidavits to be used in the Superior or Circuit Court.

Judgment to be served on defendant.

12. Every judgment recorded under the next preceding section shall be served upon the defendant personally or at his domicile, by a Bailiff of the Superior Court, and the Bailiff's return of such service shall be filed and remain of record as part of the proceedings in the case ;—and the Prothonotary or Clerk of the Court shall enter and register as part of the said proceedings, the date at which such return shall be filed.

Opposition may be filed to any such judgment;

13. The defendant in any such case may contest the judgment (*se pourvoir contre le jugement*) recorded as aforesaid, by opposition or *simple requête afin d'opposition*, to be filed in the office of the Prothonotary or Clerk of the Court in which the judgment was rendered, within the periods hereinafter limited respectively, that is to say :

And within what delay.

If the place where such service is made be not more than five leagues from that where the judgment was rendered, then—

Within ten days after the service of the judgment, if the case be in the Superior Court, and—

Within five days after the service of the judgment, if the case be in the Circuit Court,—

And if the place where the service is made be more than five leagues from that where the judgment was rendered, then an additional

additional delay of one day shall be allowed in either Court, for each additional five leagues.

What the opposition must state.

Such opposition or *simple requête afin d'opposition* shall, on pain of nullity, contain all the grounds (*moyens*) of opposition intended to be urged in support thereof, or against the judgment, or the action in which it was rendered, and an election of domicile by the opposant within one mile of the place where the sittings of the Court are held;—and all the exhibits intended to be used in support of such opposition, shall be filed with it.

Exhibits to be filed with it.

Opposant must expressly deny all averments which he intends to contest.

Any fact alleged by the Plaintiff and not expressly and specially denied by the opposant, shall be deemed to be confessed and acknowledged by him; and the Plaintiff shall be bound to prove in due course of law such facts and such only as being alleged by him are expressly and specially denied by the opposant.

Affidavit must be filed with the opposition, and certain costs deposited.

14. No such opposition shall be received by the Prothonotary or Clerk, unless it be accompanied with an affidavit of the opposant (or one of the opposants if there are more than one,) or of some other credible person, that the facts stated in the opposition are true to the personal knowledge of the deponent,—nor unless the opposant shall deposit with the Prothonotary or Clerk, a sum sufficient to pay the costs (or proportion of the costs) incurred by the plaintiff after the return of the suit up to judgment, including the costs of the service thereof, which costs shall be paid to the plaintiff by the Prothonotary or Clerk as soon as they have been taxed, without regard to the issue of the case: Any affidavit under this section may be in the form of Schedule C to this Act, and may be made before a Judge of the Superior Court, or before the Prothonotary or Clerk of the Superior or Circuit Court at the place where the opposition is to be filed, or before any Commissioner empowered to receive affidavits to be used in the Superior or Circuit Court.

Before whom affidavit to be made.

Copy of opposition to be filed for plaintiff.

15. No such opposition or *requête* shall be received by the Prothonotary or Clerk, unless a copy thereof for the plaintiff be delivered to him at the same time, which copy he shall deliver to the plaintiff or his Attorney on demand; but one copy only need be so filed, although the party plaintiff should consist of two or more persons.

Opposition to be part of proceedings in the suit, &c.

16. The opposition and all proceedings thereon shall be filed and registered as part of the proceedings in the original suit, and the plaintiff shall be deemed to appear to such opposition or *requête* in the same manner as he has appeared in the original suit, without any new appearance.

Delays for pleading to opposition, &c.

17. The delays for pleading, answering and replying as regards such opposition, and the manner and time of foreclosing and proceeding in every matter incident thereto, shall,

if the case be in the Superior Court, be the same as in an action in that Court,—if the case be an appealable one in the Circuit Court, they shall be the same as in an action in any such case,—and if the case be a non-appealable one in the said Court returnable in vacation, they shall be the same as in an action in such case :—the delay to plead to any such opposition shall reckon from the expiration of the delay allowed for filing the opposition ;—A tariff of fees on such oppositions or proceedings incident thereto, may be made from time to time in like manner as in other cases, but until such tariff is made, the tariff applicable to the action to which the opposition relates, shall be applicable to proceedings incident to such opposition.

Fees on such oppositions and proceedings incident thereto.

Execution, if no opposition be filed in time.

18. If no opposition be filed at the Office of the Prothonotary or Clerk, within the delay allowed for that purpose, the facts as alleged in the action or demand, shall be deemed to be acknowledged and confessed by the defendant, and duly proved, and the Judgment recorded shall become executory after the expiation of the delay allowed by law for the issuing of execution in the Court in which the Judgment was rendered, reckoning such delay from the service of such Judgment.

If the opposition is maintained.

19. If any such opposition be maintained by reason of any irregularity in the proceedings on the part of the Plaintiff in his action, the Court may, in maintaining such opposition, with costs, condemn the Plaintiff to such further costs, not exceeding those deposited by the opposant on filing his opposition, as the Court in its discretion may see fit.

As to oppositions in the Magdalen Islands.

20. Any such opposition filed in the Circuit Court in the Circuit of the Magdalen Islands, to any Judgment rendered in any case by default or *ex parte* for an amount exceeding Fifty Pounds, shall, as regards pleading, answering and replying and the delays therefor, and as to all proceedings incident to such opposition, be considered as an appealable case in the Circuit Court.

Opposition may be filed before service of the judgment.

Notice—delays.

21. Any defendant may, before the service of the judgment recorded against him, file such opposition as aforesaid with his exhibits in support thereof, in the office of the Prothonotary or Clerk of the proper Court, and deposit therewith the costs to be refunded to the plaintiff, with the copy of the opposition for him; but such defendant shall, in that case, give notice to the plaintiff of the day on which the opposition has been filed,—and the delay for pleading shall be reckoned from the service of such notice.

Plaintiff may renounce his judgment and proceed by default as usual.

22. Any plaintiff having obtained any such judgment may renounce the same at any time before the service thereof,—and upon his renunciation, which shall be filed of record, he shall become entitled to proceed in the case in the manner provided with

with respect to cases by default or *ex parte* as if such judgment had never been rendered; and the costs of such judgment shall be borne by him.

Not to apply to absentees called in by advertisement.

23. No such judgment shall be recorded against any absent defendant who shall have been notified to appear by advertisement in the public newspapers.

Delay for appeal in such cases.

24. The delay for appealing in any case in which judgment may have been recorded as aforesaid by default, and in which an appeal may lie, shall be reckoned from the expiration of the time allowed for filing an opposition to such judgment.

Special provisions with regard to grounds of appeal in such cases.

25. In any such case in which an appeal shall be brought,—

1. It shall not be allowed as a valid ground of appeal, that the amount for which judgment was given was not proved to be due, according to the rules of law concerning evidence,—and—

Case on *Acte authentique.*

2. If in any such case the action was founded on an *Acte authentique*, the amount for which the judgment was given, shall be held to have been proved to be due, if it could have been due under such *Acte*, and—

Case on Notes, Bills, &c.

3. If in any such case, the action was founded on a Bill of Exchange, Promissory Note, *Cédule*, Check, Note or promise, or other *private* act, or agreement in writing, such Bill, Note, Check, *Cédule*, act or agreement in writing, and every signature and writing to or upon the same, shall be deemed genuine without proof thereof,—and any protest, notice or service thereof, if any be alleged by the Plaintiff, shall be presumed to have been regular and valid, and the costs thereof (if any are claimed) shall be presumed to be due and proved;

On account or agreement.

4. If in any such case the action was founded upon a detailed account or on a verbal agreement, the amount claimed shall be presumed to have been duly proved by the affidavit of the plaintiff, or other person, that such amount was due from the defendant to the plaintiff, filed of record as hereinbefore provided.

Hypothec under such judgments from what time to be reckoned.

26. The hypothec arising from any such judgment as aforesaid, shall be reckoned from the time when the return of the service of such judgment on the defendant shall be filed in the office of the Prothonotary or Clerk of the proper Court, who shall register such return as part of the proceedings in the case;

Registration of such judgment, &c.

And in order to enable the plaintiff to have such judgment registered in the proper Registry Office, the said Prothonotary or Clerk, in addition to the usual certificate on the copy of the

 judgment

judgment that it is a true copy thereof, shall, if required, append thereto a further certificate of the date at which such judgment was served on the defendant and of that at which the return of the service was filed at his office: And any copy of such judgment with such additional certificate shall be registered by the Registrar to whom it shall be presented for that purpose.

Registration of judgment in favour of the defendant on opposition.

27. In case any such Judgment so registered shall be wholly or partially set aside, upon any such opposition as aforesaid, the opposant shall be entitled to have the judgment to that effect on his opposition registered for the purpose of wholly or partially cancelling the registration of the former judgment recorded against him.

Plaintiff not bound to proceed under this Act.

28. The foregoing provisions shall not deprive any Plaintiff of the right to proceed to judgment in the usual manner, in any case by default or *ex parte*, if he shall think fit so to do, instead of adopting the proceedings mentioned in the said provisions.

Non-appealable cases.

Every day to be a return day.

29. Every day in term or in vacation, not being a Sunday or Holiday, shall be a return day in non-appealable cases in the Circuit Court.

No change as to non-appealable cases returnable in term;

Except in Magdalen Islands.

30. Except only in the Circuit of the Magdalen Islands, as to which special provision is made in this Act and in the Lower Canada Judicature Act of 1857,—every such non-appealable case in which the Writ of Summons is made returnable in term, shall be dealt with and continue to be dealt with in the manner provided as to such cases by the Lower Canada Judicature Act of 1849, chapter thirty-eight.

As to non-appealable cases returnable in vacation.

31. In every such non-appealable case in which the Writ of Summons is made returnable in vacation, the defendant may, on the return day or on the next following juridical day, file his appearance personally or by Attorney,—the pleadings shall be in writing but in a summary form, and the delay for pleading shall be five clear days from the time allowed for such appearance: there shall be a like delay of five clear days for answering, to be reckoned from the expiration of the delay allowed for pleading,—and there shall be also a like delay of five clear days for replying, to be reckoned from the expiration of the time allowed for answering:—

Delay for pleading, &c.

Proviso: no demand of plea, &c, required in order to foreclosure.

Provided always, that no demand of any plea, answer or reply, shall be necessary in any such case, in order to foreclose the party entitled to file the same; but the party entitled to file any plea, answer or reply, shall be foreclosed from filing the same by the mere lapse of the delay allowed him for filing it.

32.

32. In every such case, issue shall be held to be joined by the pleadings filed within the delay allowed for filing the same respectively. Joinder of issue.

33. In any such case, no *Exception à la forme*, *Exception déclinatoire*, *Exception dilatoire*, or other preliminary plea, shall be received, unless the same be filed within four days from the day of the return of the Writ, or of the filing of the pleading to which such preliminary exception or pleading is opposed; and the delay within which any party must afterwards file his plea or pleas to the action or merits, shall be reckoned from the day of the date of the interlocutory judgment on the preliminary plea, or the withdrawal of the same:— Provided always, that the plaintiff may, before answering any such preliminary plea, demand of the defendant his plea or pleas to the action or merits, and if such last mentioned plea or pleas be not filed on or before the fifth juridical day after such demand, such defendant shall, without any *Acte* of foreclosure, become foreclosed from thereafter filing any plea to the action or merits, and there shall then be no issue raised between the plaintiff and defendant except on such preliminary plea or pleas, with regard to which the provisions of the seventy-third section of the said Lower Canada Judicature Act of 1857, shall apply in so far as they may be consistent with this Act. Preliminary pleas when to be filed. Delays for other pleas. Plaintiff may demand plea to the action, &c., before answering preliminary plea. Sect. 73 of 20 V. c. 44, to apply, &c.

34. As soon as issue is joined in any such case, any party thereto may inscribe it for the adduction of evidence and final hearing on the merits at the same time on any subsequent day in term, provided notice of such inscription be given to the opposite party, at least three days before the day for which the case is so inscribed, or such other number of days as may, from time to time, be fixed by any rule of practice to be made in that behalf, in the Districts of Quebec and Montreal, by the majority of the Judges residing therein respectively, and promulgated by any one of them sitting in Term, and in any other District by any Judge of the Superior Court in such District. Inscription for *enquête* and hearing: Notice thereof.

35. If the defendant in any such case do not appear, or having appeared do not, within the delay above limited, file any plea, the case shall be dealt with as a non-appealable case by default returnable in term, and the plaintiff may proceed therein in the manner prescribed with regard to a non-appealable case by default when returned in term; but the plaintiff may inscribe any such case, as by default, for the adduction of evidence and final hearing on the merits at the same time on any day in term, without giving notice to the defendant or opposite party. If the defendant do not appear or plead in proper time, plaintiff may proceed by default, &c.

36. If in any such case returned in vacation, the defendant desires to confess judgment, he may do so in the manner and Defendant may confess

to

judgment, under sects. 83 and 84 of 20 V. c. 44.

to the effect provided as to appealable cases in the Circuit Court by the eighty-third and eighty-fourth sections of the Lower Canada Judicature Act of 1849, chapter thirty-eight; Provided that in non-appealable cases returned in term, the defendant may confess judgment orally in open Court in the manner and to the effect provided by the said sections of the said Act of 1849.

Proviso.

Fees and costs in such cases.

37. Any tariff of fees and costs made before or after the passing of this Act, for non-appealable cases in which pleadings in writing have been ordered by the Court, shall apply to contested non appealable cases returned in vacation, in any Circuit where such tariff is in force.

Magdalen Islands.

Every day a return day.

38. For any case over which the Circuit Court in the Circuit of the Magdalen Islands has jurisdiction, every day in term or in vacation, not being a Sunday or Holiday, shall be a return day.

Proceedings in non-appealable cases returnable in vacation;

And in other cases so returnable;

But if returnable in term, s. 127 of 20 V. c. 44, to apply.

39. In any non-appealable case in the said last mentioned Circuit made returnable in vacation, the mode of proceeding shall be as hereinabove provided with respect to non-appealable case returnable in vacation; and in any other or appealable case over which the Circuit Court has jurisdiction in the said Circuit, the proceedings shall, if such case be returned in vacation, be the same as in an appealable case in Circuit Court in any other Circuit, returned in vacation;—but if such case be returned in term, the mode of proceeding therein shall be as provided by the one hundred and twenty-seventh section of the Lower Canada Judicature Act of 1857, in so far as the provisions of that section are not inconsistent with this Act.

In appeals from judgments by default, s. 129 of 20 V. c. 44, to apply.

Exceptions

40. In any case in which an appeal may lie from a judgment by default, recorded by the Clerk of the Circuit of the Magdalen Islands, under the provisions hereinbefore made as to certain classes of cases,—the proceedings in appeal shall be as provided by the one hundred and twenty-ninth section of the said Lower Canada Judicature Act of 1857, with respect to appeals from judgments rendered by the Circuit Court in the Circuit of the Magdalen Islands,—except that the first day on which the case in appeal from any judgment so recorded by default may be heard in the Court of Queen's Bench, shall be the juridical day in term next after the expiration of ninety days from the end of the delay allowed to file an opposition (as hereinbefore provided), to such judgment, if such delay expires on or after the first day of the Spring Term in the said Circuit, and before the first day of the Autumn Term therein,—and the first juridical day in term after the first day of June next after the expiration of the said delay for filing such opposition, if such delay expires on

on or after the first day of the Autumn Term in the said Circuit, and before the first day of the Spring Term therein.

Procedure generally.

Prothonotary may act for Judge in cases not admitting delay.

41. In the absence of any Judge of the Superior Court at the *Chef-lieu* of any District in vacation, the Prothonotary of the said Court in and for such District may, in cases of evident necessity, and when by delay in the performance or exercise thereof, a right might otherwise be lost or a wrong sustained, perform and exercise at such *Chef-lieu* any ministerial or judicial act or function which any Judge of the said Court might perform or exercise in vacation. But any order or judgment made or rendered by any Prothonotary under this section, shall be subject to revision by the Court, at its next sitting in such District, or by any Judge of the Court present at the *Chef-lieu* before such sitting, provided the party requiring such revision do, on or before the third juridical day after the making or rendering of such order or judgment, file with the Prothonotary an exception thereto stating the grounds on which it is founded; and the execution of such order or judgment shall in all cases be suspended until the time for filing such exception has expired, and if an exception be filed, the suspension shall continue until the decision of the Judge after such *revision* as aforesaid.

His orders, &c., subject to revision, and in what manner.

Judges relieved from certain routine duties.

42. It shall not be necessary for the Judges of the Superior Court to affix their official signatures to Writs of Execution from the Superior Court, or to indorse the same, but the signature of the Prothonotary to any such Writ shall be sufficient; nor shall it be necessary that the said Judges should sign Bonds of security in appeal or other Bonds, in any case, or should number or authenticate (*paraphcr*) Registers of Baptism, Marriages or Burials, in Lower Canada, but the said security Bonds or any other Bond or recognizance, may be received, acknowledged, and taken by the Prothonotary of the district in which such Bonds shall be required to be given, and be received by and acknowledged before him in the same manner and to the same legal effect as by any of the said Judges; and the said Registers may be presented to and numbered and authenticated (*parapher*) by the Prothonotary of the district with the same legal effect as by any of the said Judges; any law, ordinance, statute, or custom to the contrary notwithstanding;—and all and every person now by law required to present and keep such Registers shall continue to be subject to all the requirements and penalties of the law in that respect as fully as if this enactment in this section had not been made: But nothing herein shall be construed to prevent any such Judge from numbering or authenticating any such Register, or receiving any such Bond as aforesaid, if he shall think fit so to do, with the same effect as before the passing of this Act: And the return to any Writ of Appeal issuing from the Court of Queen's

Proviso.

Judges may act if they see fit.

Queen's Bench in relation to any judgment or order of the Superior Court, may be made by, and the original papers and proceedings found in the Court concerning the same, may be sent up and certified to the said Court of Queen's Bench, by any Judge of the Superior Court, or by the Prothonotary thereof, at the place where such judgment or order was made.

Bonds, &c., in Circuit Court, before whom they may be taken.

43. Any Bond of security in appeal, or any other Bond or recognizance whatever required in any case in the Circuit Court, may be received, acknowledged and taken either before a Judge of the Superior Court or before the Clerk of the Circuit Court at the place where such case is pending, with the same legal effect as if received, acknowledged or taken before a Judge of the said Court.

Powers of Commissioners for taking affidavits.

44. Every Commissioner for receiving Affidavits to be used in the Superior Court in any District in Lower Canada, and whether such Commissioner resides in Upper or in Lower Canada, and whether he be appointed before or after the passing of this Act, and whether appointed by one Judge or by more than one Judge of the said Court, is hereby declared to have had and shall have full power and authority to receive Affidavits to be used in the Superior Court or in the Circuit Court in any and every District in Lower Canada.

Oaths under 16 V. c. 22,

and 18 V. c. 13, and—

Certain other oaths may be taken before Commissioners under 48 G. 3, c. 22;

or Recorders in L. C.

45. The oath required by the eleventh paragraph of the second section of *An Act to establish a Consolidated Municipal Loan Fund for Upper Canada*, passed in the sixteenth year of Her Majesty's Reign, and extended to Lower Canada by *An Act to extend and amend the Act to establish a Consolidated Municipal Loan Fund for Upper Canada, by applying the same to Lower Canada, and for other purposes*, passed in the eighteenth year of Her Majesty's Reign, or by any other provision of either of those Acts, and any oath required to be taken under any Act in which no mention is made of the name of the public functionary before whom such oath is to be taken, or any oath rendered necessary, or that may be required by the Governor in carrying into execution the provisions of any Act of the Legislature, may be administered by and taken before any Justice of the Peace, or any Commissioner appointed under *An Act to authorize the Judges in Civil Causes, in this Province, to delegate the power of administering oaths, in certain cases therein mentioned*, passed in the forty-eighth year of the Reign of His late Majesty King George the Third, or any Recorder in Lower Canada, within their several jurisdictions respectively; and any such oath already so taken before and administered by any one of such public functionaries, within their several jurisdictions, respectively, is declared valid to all intents and purposes.

Prothonotaries, &c., to have powers

46. The Prothonotary of the Superior Court, the Clerk of the Crown, and the Clerk of the Peace respectively, in and for any District,

District, and the Inspector and Superintendent of Police of the City of Quebec or of the City of Montreal, shall, each, within the limits of his respective jurisdiction, have and perform all powers and duties which by the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled: *An Act to authorize the confinement of Lunatics in cases where their being at large may be dangerous to the public*, were vested in or assigned to any Circuit Judge in Lower Canada. and duties assigned to Circuit Judges under 14, 15 V. c. 83.

47. The Prothonotary of the Superior Court in and for any District shall have the same power as any Judge of the said Court to receive security to his satisfaction under the third Section of the Act of 1849, chapter forty-two, *to abolish imprisonment for debt, and for the punishment of fraudulent debtors in Lower Canada, and for other purposes*, or under any other provision of the said Act, from any Defendant arrested on a Writ of *Capias ad respondendum*, and being either in custody or under bail to the Sheriff, and to cause the sureties to justify their sufficiency on oath before him, and to administer such oath, and to order the release of such Defendant or the discharge of the bail to the Sheriff, on the perfecting of such security. Prothonotary may receive security under sect. 3 of 12 V. c. 42.

48. If in an affidavit for obtaining a writ of *saisie-arrêt* before Judgment under the tenth section of the ordinance of the Governor and Legislative Council of the Province of Quebec, twenty-seventh George the Third, chapter four, or a writ of *capias ad respondendum*, under the said Act of 1849, chapter forty-two, in addition to the allegation that the Defendant is personally indebted to the Plaintiff in the sum required by the said Act or by the said ordinance, as the case may be, it shall be alleged upon grounds specially stated in the affidavit that the Defendant is a trader, that he is notoriously insolvent, that he has refused to compromise or arrange with his creditors, or to make a *cession de biens* to them or for their benefit, and that he continues to carry on his trade, such debtor shall then be held to be about to secrete his goods and chattels with intent to defraud his creditors generally, or the Plaintiff in particular, and a writ of *saisie-arrêt* before judgment for attaching his estate, debts and effects, may issue under the said ordinance, and a writ of *capias ad respondendum* for arresting such Defendant, may also issue under the said Act: What affidavit shall be sufficient for arrest of a trader defendant and for attachment of his goods.

Provided always, that if upon summary petition of such Defendant, the grounds stated in the said affidavit appear to any Judge of the said Court sitting at the place where such writ of *capias ad respondendum* issued, to be insufficient, or if it be proved to the satisfaction of such Judge, that when the said affidavit was made, such defendant was not a trader, or was not notoriously insolvent, or had not refused to compromise or arrange with his creditors, or to make a *cession de biens* to them Proviso: if the affidavit be shown to be untrue.

them or for their benefit, or was not continuing to carry on his trade, then the Defendant shall be discharged from custody by the order of such Judge.

Remedy in damages given against persons wasting or injuring property subject to hypothec.

49. If any personal hypothecary debtor or *tiers détenteur* in possession of any immoveable property on which there exists any privileged claim or hypothec, personally or by the intervention of others, wilfully and with intent to defraud the party having such privileged claim or hypothec, injures, wastes or diminishes the value of such property by destroying, carrying away, or selling any house, outhouse or building or deteriorating the same, or by destroying, carrying away or injuring any timber or fence, or any fixture in any house or building on the said property, he may be sued in damages by such privileged or hypothecary creditor whether the sum secured by such privilege or hypothec be or be not then payable or exigible, and in such action the Plaintiff may recover from the Defendant, with condemnation to *contrainte par corps*, damages equal to the diminution of value occasioned by such act of the Defendant as aforesaid, or to the amount of the privileged claim or hypothec if such amount be less than such diminution of value, but the amount so recovered shall be secured by the said privilege or hypothec, and when paid shall go in discharge or in diminution of the same.

Amount of damages: *Contrainte par corps* allowed.

Capias ad respondendum may issue in certain cases: Affidavit to be made.

50. If the Plaintiff in any such case as last aforesaid shall state in an affidavit to be made in manner provided by law as regards affidavits for obtaining Writs of *Capias ad respondendum*, that the amount secured by his privileged claim or hypothec exceeds ten pounds currency, and that the Defendant, being such hypothecary debtor or *tiers détenteur*, is with the intent to defraud the Plaintiff, personally or by the intervention of others, injuring, wasting or diminishing in value the immoveable property subject to such privilege or hypothec, or is about so to injure, waste or diminish the value thereof, to an amount exceeding ten pounds currency, by destroying, carrying away or selling some house or out-house or other building thereon, or by wilfully injuring or deteriorating the same, or by destroying or carrying away any timber or fence, or any fixture in any house or building on such immoveable property, a Writ of *Capias ad respondendum* may issue against such Defendant, in like manner and with the like effect as in other suits in which such Writ may issue.

Proviso, for release of defendant on giving security;—or if the affidavit be proved untrue.

Provided always, that such defendant may be released from confinement at any time before judgment, upon giving security or bail, in like manner and upon like conditions as other defendants arrested upon *Capias ad respondendum;* and if upon summary petition of such defendant, the grounds stated in the affidavit appear to any Judge of the Superior Court to be insufficient, or if it be proved to the satisfaction of any Judge of the Superior Court sitting at the place where such Writ of *Capias ad*

ad respondendum issued, that the allegations of the affidavit on which such Writ was obtained were false in any essential particular, the Defendant may be discharged from custody by the order of such Judge.

Party opposant having privilege of *bailleur de fonds* on property sold by the Sheriff, may, if he becomes the purchaser, retain an amount not exceeding his claim, until final distribution of the proceeds.

51. When any party having a privilege of *bailleur de fonds*, or other privilege or hypothec on any real property seized and advertised to be sold by any Sheriff under any Writ to him directed, has filed his opposition at the Sheriff's Office according to law before the day on which the writ is returnable, or before the actual return of such writ, with the titles, documents and certificates of registration requisite to support his claim,—then if such party becomes the purchaser of the whole or of any part of such real property, he may retain in his hands so much of the purchase money as shall not exceed the sum due and unsatisfied on the said privilege or hypothec and for which his opposition is so filed, until the return of the Writ shall have been made by the Sheriff and the Court to which it is returnable shall have ordered a final distribution of the proceeds, on which such purchaser shall forthwith pay into the hands of the Sheriff the sum by which his purchase money shall exceed the sum decreed by such order of distribution to be payable to such purchaser, and upon such payment the Sheriff shall execute to such purchaser aforesaid, a sufficient Deed of Sale of the property so by him purchased: Provided always, that any such party so becoming such purchaser shall give good and sufficient security to the Sheriff, for insuring the damages that may result to any party concerned, in case of the non-payment of the sum which such purchaser shall be subjected to pay to the Sheriff after such order of distribution.

Proviso, for security.

Sheriff before executing any *saisie*, may require an advance for his costs.

52. It shall be lawful for any Sheriff, before executing any seizure of any kind under any process to him directed (whether *saisie-arrêt* before judgment, seizure after Judgment, or *saisie revendication* or *entiercement*) to demand and receive in advance from the party at whose instance the seizure is to be made, or his Attorney *ad litem*, such sum as shall by any one of the Judges of the Superior Court or by the Prothonotary of the district in which the process for the seizure issued be deemed sufficient for the safe keeping of the effects and moveable property seized; and when and as often as the sum so advanced shall be expended, such Sheriff may, on presenting a summary petition to any one of the Judges of the Superior Court or to the Prothonotary of the District where the seizure has been made, obtain an order from such Judge or Prothonotary upon the party at whose instance the seizure was made, for the payment in advance of such further sum as by the said Judge or Prothonotary shall be deemed sufficient for the safe keeping of the effects and moveables seized; and service of such petition and order shall in every instance be made upon the Attorney *ad litem* of the party seizing:—And in default of such payment in advance within twenty-four hours after the said petition and order,

And so again when the first sum is expended.

In default, seizure to be discharged,

and Sheriff exonerated.

order, the seizure shall be discharged and such Sheriff exonerated from all liability to any person or party whomsoever.

Sheriff to whom any sum is due for such costs when this Act takes effect, to have a like remedy.

And it shall also be lawful for any Sheriff to whom at the time when this Act comes into force, any sum of money is due on any seizure then pending, for costs and disbursements incurred for the safe keeping of any effects or moveable property, upon presenting a summary petition to any Judge of the Superior Court, or to the Prothonotary of the District where the seizure was made, stating the amount due to him as aforesaid, to obtain an order from such Judge or Prothonotary upon the party at whose instance the seizure was made, for the payment of the sum so due to him ;—Service of such petition and order shall be made upon the Attorney *ad litem* of the seizing party, and in default of payment of the said sum within the time fixed by the said Judge or Prothonotary in such order, the seizure shall be discharged and such Sheriff exonerated from all liability to any person or party whomsoever, but such Sheriff shall nevertheless retain all his legal rights and remedies for recovering the costs and disbursements then due to him by reason of such seizure from any party who was by law liable for the same ;—And if in any such pending case the Sheriff is paid the amount of his fees and disbursements then incurred, he may thereafter demand and obtain in advance in the manner hereinbefore provided, any further sum of money required for the safe keeping of the effects and moveable property seized.

In default, seizure to be discharged, and Sheriff exonerated.

Advance for any future costs.

When the Sheriff has failed to make or renew any list of jurors in time, Judge may order it to be made within a time to be fixed.

53. Whenever from any cause whatever, the several Lists of Jurors which the Sheriff is by law required to make or renew, have not been made or renewed for any District in the manner and within the period limited by law, then as soon as the fact shall be made known by the Sheriff, Prothonotary, Clerk of the Peace or of the Crown, to any Judge of the Court of Queen's Bench for Lower Canada, or any Judge of the Superior Court when in such District, or whenever the fact has come to the knowledge of such Judge, he shall order the Sheriff of such District to make or renew the Lists of Jurors for the same, or such of them as have not been made or renewed as aforesaid, and shall by such order fix a period within which such List shall be made or renewed ; and if such order be not complied with, another may be made by the same or any other Judge in like manner until the said Lists are duly made or renewed :

Lists made under such order to be valid.

The Lists made or renewed under any such order shall then be of the same force and effect as if originally made within the time prescribed by law, and shall be deposited, dealt with and used as if so made, but shall remain in force only during the same period as if they had been made or renewed at the time prescribed by law, and Lists shall be again made or renewed accordingly at the expiration of such period :

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The cost of making or renewing any Lists of Jurors under such order as aforesaid, shall be borne by the Sheriff in default, unless he has some valid excuse for not making or renewing the same at the time prescribed by law: Costs.

But nothing in this section shall relieve the Sheriff from any penalty or liability incurred by his default to make or renew any such List at the time prescribed by law. Sheriff not relieved from penalty.

54. Whenever any writ, subpœna or other process, opposition, judgment, order, rule, notice or proceedings emanating from the Superior or the Circuit Court, or from any Judge, or incident to any suit or proceeding in either of the said Courts, requires to be served upon any party or person residing or being at the time in another district,—then if there is no special provision of law regulating the manner in which such service is to be made, it may be made by any Bailiff of the Superior Court for such other District, who shall make the service and return required, in like manner and with like effect as it would have been made by a Bailiff for the District in which such writ, subpœna or other process, opposition, judgment, rule, order, judgment, notice or other proceeding originated, if the party or person on whom the service is made had been resident or had been then present in such District. Provided always, that any *Bailiff of the* Superior Court for the District in which such *Writ, Subpœna* or other process, opposition, judgment, order, *rule*, notice or proceeding, issued or is made, rendered or had, may serve the same in any other District, but shall be entitled to no more costs or emoluments for so doing, than a Bailiff of the District where the service is made, residing nearest to the place of such service would have been entitled to for so doing. How process, &c., may be served when the law makes no special provision. Proviso: costs limited in certain cases.

55. Notwithstanding any thing to the contrary in the twentieth section of the Lower Canada Judicature Act of 1849, chapter thirty-eight, any writ of summons only (but not any writ of *capias ad respondendum, saisie-arrêt* before judgment, *saisie gagerie* or *saisie revendication*) issuing out of the Superior Court in any District, but to be served wholly or partly in some other District, may be addressed to and returned by any Bailiff of the said court for the District in which the writ is to be served, or by any Bailiff of the said court for the District in which the writ issues, but such last mentioned Bailiff shall be entitled to no more costs and emoluments for serving and returning the same, than a Bailiff for the District in which the service is made and residing nearest to the place of service would have been entitled to for so doing; And any writ of summons *ad respondendum* issuing out of the Circuit Court in any District to be executed in any other District, may be served and returned in such other District by a Bailiff of the Superior Court for the District in which the writ issues, but such last mentioned Bailiff shall be entitled to no more costs and emoluments for serving and returning the same, than a Bailiff Service of writs of summons only, in districts other than that in which they are issued. And in the Circuit Court.

Bailiff for the District in which the service is made and residing nearest to the place of service, would have been entitled to for so doing.

Service in matters of *folle enchère.*

56. In matters of *folle enchère* in the Superior or Circuit Court, any notice or any rule or order required to be served upon any purchaser (*adjudicataire*) of any personal or real property sold by virtue of a writ or order of execution, shall be well served upon such purchaser when left for him at the office of the Prothonotary or of the Clerk (as the case may be) of the Court in which such notice is given or such rule or order has issued, if the purchaser do not reside in the District in which the sale or adjudication was made; But this section shall not apply to any pending matter or case of *folle enchère.*

Execution against the body may issue out the Circuit Court in certain cases.

57. It shall be lawful for the Circuit Court sitting in any District, County or Circuit, to award any execution against the body of a person residing in a District, not including such District, County or Circuit, in any case where such execution is by law allowed; Such execution shall be directed to the Sheriff of the District in which such person resides, and such Sheriff shall execute the same and shall convey the body of such person to the Common Gaol of the District wherein such person shall be arrested; And such execution shall be executed in the same manner and to the same effect as an execution issued in the Superior Court in a District against the body of a person residing in another District would have to be executed under the thirty-ninth Section of the ordinance of the Governor and Legislative Council of the Province of Quebec, twenty-fifth George the third, chapter two.

Writs of Summons may be served in Upper Canada in certain cases, and by whom and in what manner.

58. In any suit or action brought or to be brought against any person who shall have left his domicile in Lower Canada, or against any person who shall have had no domicile in Lower Canada, but when such person shall have personal or real property therein, or the cause of such suit or action shall have arisen within Lower Canada, then if such person be a resident of or is known to be then in Upper Canada, it shall be lawful for any Judge of the Superior Court, or for the Prothonotary of the Superior Court or Clerk of the Circuit Court at the place where the action is brought, on being satisfied of the facts by affidavit or otherwise, to sign an order to be indorsed on the Writ of Summons in such suit or action, in the following words, "this Writ may be served in Upper Canada," and such Writ may then be served in Upper Canada by any Bailiff entitled to serve process of the County Court of the County in which the service shall be made or by any literate person, and the affidavit of such bailiff or of such literate person, made before some Commissioner authorized to receive affidavits to be used in the Superior Court or Circuit Court for Lower Canada, or any Justice of the Peace for the County in which the service is made, in the form of the Schedule D, to this Act, or to the

the like effect, shall be evidence of the service, and the person so served shall be bound to appear according to the exigency of the Writ, and if he fails so to appear, the plaintiff may proceed as in case of default, and as if the service had been made within the limits of the ordinary jurisdiction of the Court:—Provided always, that there shall be between the day of service of the Writ and that on which the defendant is commanded to appear, at least ten days if the action is in the Superior Court, and at least five days if the action is in the Circuit Court for the first five leagues, and one day more in either Court, for every additional five leagues of the distance of the place where the service is made from that where the sittings of the Court are held:—And provided also, that nothing in this section shall oblige the plaintiff to adopt the proceeding hereinabove mentioned, or prevent such defendant from being notified to appear by advertisement in the manner provided by the ninety-fourth section of the Lower Canada Judicature Act of 1849, chapter thirty-eight, if the plaintiff prefers to proceed under the said section.

Proviso: delay between service and appearance.

Proviso: not to prevent calling in defendant by advertisement.

And provided further, that the service and return of any writ in Upper Canada under this section, may be made by any Bailiff of the Superior Court for any District in Lower Canada, but such Bailiff shall be entitled to no more costs and emoluments for serving and returning the same, than a Bailiff of the County Court for the County in Upper Canada where the service is to be made, would have been entitled to for so doing.

Service in U. C. by Bailiff of L. C.—proviso as to costs.

59. The tenth section of the *Act to amend the Act to amend the Laws relative to the Courts of original Civil Jurisdiction in Lower Canada*, passed in the sixteenth year of Her Majesty's Reign, shall apply to parties in appealable cases in the Circuit Court at Montreal and Quebec, and to non-appealable cases therein returnable in vacation,—and also to parties to cases in the Superior Court, or to appealable cases in the Circuit Court, or non-appealable cases therein returnable in vacation, in every other District, except only the Districts of Gaspé and Saguenay, and the new District of Chicoutimi hereinafter mentioned;—so that (except in the Districts last mentioned,) no party to any such suit or case shall be compellable to file any plea, answer or reply, or to take any step or otherwise proceed therein, between the tenth day of July and the last day of August, both inclusive, in any year, save only as excepted in the said section and subject to the provisions thereof.

Sect. 10 of 16 V. c. 194, to apply to certain cases in the Circuit Court.

60. The subsection or paragraph marked "Thirdly," of the fourth section of the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to amend the Act, intituled, 'An Act to regulate the summoning of Jurors in Lower Canada,'* is hereby so far amended as to permit the trial by Jury in any civil cause to be had without any definition of the fact or facts to be inquired of by the

Verdict of jury need not be special, nor the facts defined by the Judge if there be consent.

14, 15 V. c. 89, s. 4, par. 3, repealed to

a certain extent.

the Jury, and to enable the Jury to return a general verdict in such cause, provided the parties shall have consented thereto in writing.

Sect. 20 of 12 V. c 41, revived, and right of appeal thereby allowed, restored.

61. The first section of the Act passed in the sixteenth year of Her Majesty's Reign, chapter one hundred and ninety-nine, repealing the twentieth section of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to define the mode of proceeding before the Courts of Justice in Lower Canada, in matters relating to the protection and regulation of Corporate rights and to Writs of Prerogative, and for other purposes therein mentioned*, is hereby repealed; and the said twentieth section shall revive and be again in force, except as hereinafter mentioned, and the right of appeal thereby allowed shall exist with respect to all judgments rendered after the passing of this Act, provided the Writ of Appeal in any such case be issued within forty days from the rendering of the judgment appealed from, but not otherwise, except always that the said section shall not revive with respect to cases or matters concerning City of Municipal Corporations, or any office or officer of any such Corporation, nor shall any right of appeal exist under the said section with respect to any such case or matter.

Proviso: delay for issuing writ.

Proviso: costs limited.

62. No defendant sued before the Circuit Court at the *Chef-lieu* shall be liable to pay more costs (including the taxation of witnesses) than he would have been liable to pay if he had been sued before the Circuit Court in and for the County in which he resides, (if the Circuit Court has been directed to be held in such County) provided the case of action has originated in the said County.

Law of Evidence in commercial matters to apply to certain cases.

63. The Law relating to proof of all facts concerning commercial matters, in force in Lower Canada, shall apply to any sale or delivery made or to be made by a non-trader to a trader, of any provisions, produce, effects or things.

Miscellaneous Provisions.

As to Counties or Districts bounded by Rivers.

64. For the removal of doubts, it is declared and enacted, that in Lower Canada, wherever both banks of any River are in any District or County, then the River itself is within such District or County—whenever one bank of any River is in one District or County and the opposite bank is in another, then the centre of the main channel of the River is the boundary between the two Districts or Counties, each of which extends to the centre of such main channel;—and wherever any River or portion of a River is in any County it is also within the District of which such County forms part.

Proviso to sect. 1 of 16 V. c. 125, repealed.

65. The proviso contained in the first section of an Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to amend an Ordinance passed in the second year of Her Majesty's*

Majesty's Reign, intituled, 'An Ordinance concerning the erection of Parishes and the building of Churches, Parsonage Houses and Church-yards,' is hereby repealed: Provided always, that the Commissioners at present appointed for the District of Kamouraska shall be empowered to continue to final judgment all proceedings instituted before them, and in all such matters their jurisdiction shall extend and shall be deemed to have hitherto extended to the present Districts of Kamouraska and Rimouski.

Proviso: as to District of Kamouraska.

66. The one hundred and forty-seventh section of the Lower Canada Judicature Act of 1857, is declared and enacted to apply to the Recorder or Inspector and Superintendent of Police at either of the Cities of Quebec or Montreal or to any Justices of the Peace, when holding or sitting in the Court of Quarter Sessions, as giving to such Recorder or Inspector and Superintendent of Police, or such Justices of the Peace when holding or sitting in any such Court of Quarter Sessions, power to close or continue the term thereof in the cases provided for by the said one hundred and forty-seventh section of the Act lastly mentioned.

Sect. 147 of 20 V. c. 44 declared to apply to Recorders, Inspectors of Police, &c.

67. And inasmuch as by the twenty-first subsection of section five of the Interpretation Act, (which applies as well to the Lower Canada Judicature Act of 1857, as to the Lower Canada *Judicature* Act of 1849, chapter thirty-eight, and to the *Act of* 1849, chapter forty-two, *to abolish imprisonment for debt, and for the punishment of fraudulent debtors in Lower Canada, and for other purposes*, and to all Acts passed in or since the Session of 1849,) it is provided that if by any such Act "Any party be directed to be imprisoned or committed to prison, such imprisonment or committal shall, if no other place be mentioned, be in or to the Common Gaol of the locality in which the order for such imprisonment shall be made, or if there be no Common Gaol there, then in or to that Common Gaol which shall be nearest to such locality," and it is expedient to define which shall be deemed the nearest Common Gaols in or to which any party may be imprisoned or committed upon any order for such imprisonment, made in any civil suit or proceeding in the Superior or Circuit Court, or in any Commissioners' Court, in any New District, or by any Justice of the Peace in the exercise of his jurisdiction or powers in any civil case or proceeding in any New District, or in any civil case or matter in which any person may be imprisoned or committed to prison; Therefore, until a Gaol has been built in any New District and has become the Common Gaol thereof, by virtue of any proclamation appointing the day when the said Lower Canada Judicature Act of 1857, shall be in force in such District for all purposes of the administration of Justice in Criminal matters, the Common Gaols which shall be held to be nearest to the said New Districts respectively, and in and to which such imprisonment

Interpretation Act (12 V. c. 10) and 12 V. c. 42, cited.

Which shall be the common Gaols of the New Districts under 20 V c. 44, respectively.

or committal as aforesaid under any order, writ, process or proceeding in the said New Districts respectively, shall be as follows:

The Common Gaol in and for the District of Montreal, shall be deemed the nearest to the Districts of Terrebonne, Joliette, Richelieu, St. Hyacinth, Bedford, Iberville and Beauharnois;

The Common Gaol in and for the District of Quebec, shall be deemed the nearest Common Gaol to the Districts of Arthabaska, Beauce, Montmagny and for the new District of Chicoutimi hereinafter mentioned and Saguenay;

And the Common Gaol in and for the District of Kamouraska, shall be deemed the nearest Common Gaol to the District of Rimouski;

Keepers to receive prisoners

And the keepers of each of the said Common Gaols respectively, shall receive and therein safely keep until discharged or bailed in due course of law, all persons to be imprisoned or committed to prison in cases arising in such New Districts respectively as aforesaid:

Proviso: as to the Old Districts.

Provided always, that for all purposes of the administration of Justice in Criminal matters, the Common Gaols in and for the Old Districts, as constituted before the passing of the said Lower Canada Judicature Act of 1857, shall continue to be the Common Gaols for the said Districts as then bounded, until the said Act fully comes into effect in the New Districts for all purposes of the administration of Justice in Criminal matters.

All Common Gaols declared to be Houses of Correction.

68. And for the avoidance of doubts, it is declared and enacted, that every Gaol in Lower Canada, whether in any of the Old or in any of the New Districts, is and has been the House of Correction for the District or Districts of which it is the Common Gaol, and shall be so unless and until another building is by law made the House of Correction for such District or Districts, and this provision shall apply to any Gaol hereafter to be built.

Local jurisdiction of Justices of the Peace for the Old Districts under the Act 20 V. c. 44.

69. Every Justice of the Peace for any of the Old Districts existing before the passing of the said Lower Canada Judicature Act of 1857, whether appointed as such before or after the passing of the said Act, but before the time to be appointed in any Proclamation under the fourth section thereof (as hereby amended) for its coming fully into effect in criminal matters, resident at that time in any of the New Districts constituted by the said Act, or in the new District of Chicoutimi hereinafter mentioned, shall, by virtue thereof and without any new Commission or oath of office, or other formality, be a Justice of the Peace for all purposes, civil or criminal, for the New District in which he is then

then resident, provided any part of such New District was at the time of his appointment included in the District for which he was appointed, and notwithstanding such New District may contain some part of some other of the old Districts, but he shall cease to be a Justice of the Peace for any part of such Old District which is not included in such New District.

How Justices of the Peace resident in New Districts may designate themselves in Official Acts;

70. Until the day appointed by any proclamation under the fourth section of the said Lower Canada Judicature Act of 1857 (as hereby amended) for its coming fully into effect in Criminal matters, every Justice of the Peace appointed or to be appointed before the said day for any of the Old Districts, (that is of the Districts existing before the passing of the said Act) who shall be resident in any of the New Districts thereby constituted, or in the New District of Chicoutimi hereinafter mentioned, may, in the exercise of his civil jurisdiction in such New District, or in any document, or in any act done or proceeding had by or before him of a civil nature, whether under the Elections Petitions Act of 1851, or any other law, designate himself or be designated as a Justice of the Peace for the New District in which he is resident, and over the whole of which his civil jurisdiction shall extend, (although it may include a portion of one or more of the Old Districts other than that for which he was appointed) or as a Justice of the Peace for the Old District for which he was appointed; But every Justice of the Peace appointed for any of the Old Districts shall, in the exercise of his criminal jurisdiction designate himself, and be, until the day first mentioned in this section, designated as a Justice of the Peace for such Old District, within the limits whereof only he shall act as a Justice of the Peace in Criminal matters.

And in Old Districts.

Local jurisdiction of Coroners in New Districts under the said Act 20 V. c. 44.

71. Until the said Lower Canada Judicature Act of 1857 is brought fully into force for all purposes of the administration of Justice in criminal matters, every Coroner in and for any one of the New Districts, may take inquisitions and make investigations appertaining to his office, within the District for which he is appointed, and may exercise all powers incident to such inquisition or investigation, and may commit any person who ought in the consequence thereof to be committed to Gaol, to the Common Gaol for the Old District including the locality in which such inquisition or investigation is had;—And such Coroner shall certify the inquisition and investigation and the evidence and recognizances and other matters thereunto appertaining to the proper officer of the Court in which the trial is to be, before or at the opening of the Court;—Provided always, that the Coroner in and for any one of the Old Districts, may also take such inquisitions and make such investigations in any place within such Old District, until the said Lower Canada Judicature Act of 1857 is brought fully into force for all the purposes of the administration of Justice in criminal matters.

Proviso: as to Old Districts.

Declaratory provision concerning Bailiffs for Old Districts when the said Act 20 V. c. 44 came into force in civil matters.

72. And for the removal of doubts,—It is hereby declared and enacted, that,—Every Bailiff of the Superior Court duly appointed for any Old District before the said Lower Canada Judicature Act of 1857 was brought fully into effect for all purposes of the administration of Justice in civil matters, and resident when the said Act was brought fully into effect for the said purposes in any New District of which any part was theretofore included in such Old District, did thereupon by virtue thereof and without any new appointment or order, become a Bailiff of the said Court for such New District, although some part thereof was not included in such Old District, but ceased to be a Bailiff of the said Court for all places formerly in such Old District but not included in such new one,—And every Bailiff of the said Court for such Old District resident therein according to its new boundaries, remained a Bailiff of the said Court for all places which continued to be included in such Old District, but ceased to be such Bailiff for all places which became parts of any New District;—

Bailiffs in Chicoutimi.

And every Bailiff for the present District of Saguenay, resident in the New District of Chicoutimi hereinafter mentioned, at the time when the said New District shall be established for all purposes of the administration of justice in civil matters, shall thereupon become a Bailiff of the said Court for the said New District of Chicoutimi, and shall cease to be such Bailiff for the District of Saguenay as it will then be constituted.

Continuance in office as Bailiff.

Every such Bailiff has remained and shall remain a Bailiff of the said Court for the District for which he is above declared to have become or to have remained a Bailiff, until he is removed from office or ceases to reside in such District.

Bonds of Bailiff to remain valid.

And every bond or security which any such Bailiff gave for the due performance of the duties of his Office in such Old District, has remained and shall remain in full force notwithstanding such alteration in the local limits within which such duties are to be performed, and shall be held to be conditioned for the due performance of such duties within the locality for which he is hereby declared a Bailiff, after such alteration, as well as for the due performance of such duties in the Old District before such alteration.

Sect. 46 of 20 V. c. 44, amended.

73. The forty-sixth section of the Lower Canada Judicature Act of 1857, shall be amended so as to read as follows, and shall be interpreted and have effect accordingly:

The said section as amended.

"The Governor may by the same Proclamation or by several "Proclamations, direct the Circuit Court to be held at more than "one place in and for any of the Counties of Richmond, Stan- "stead, Wolfe, Missisquoi, Rimouski, Ottawa, Pontiac, Gaspé, Bonaventure,

"Bonaventure, Beauce, Chicoutimi, Saguenay or Charlevoix, "on being satisfied that proper accommodation has been pro- "vided for the Court and its officers at each of such places, "and permanent provision made for their maintenance: Pro- "vided that in any of the said Counties in which the *Chef-lieu* "of the district is situate, the place or places at which the "Circuit Court shall be held for the County under any such "Proclamation or Proclamations, shall be in addition to "such *Chef-lieu*, at which the Circuit Court shall always be "held for the District."

Part of ss. 45 & 48, repealed.

And so much of the forty-fifth and forty-eighth sections of the said Act as may be inconsistent with this section, is hereby repealed.

County of Chicoutimi to be a District by itself.

74. The County of Chicoutimi shall be and is hereby constituted a District by itself, by the name of the District of Chicoutimi, as if it had been named as such in the Schedule A to the Lower Canada Judicature Act of 1857, and the *Chef-lieu* of the said District shall be at Chicoutimi, in the County of Chicoutimi; and the Counties of Charlevoix and Saguenay shall form the District of Saguenay, the *Chef-lieu* whereof shall remain as now at the Parish of St. Etienne de la Malbaie, or Murray Bay: and to the said District of Chicoutimi, the enactments of the said Act respecting the construction of Gaols and Court Houses and the keeping them in repair, and all other enactments now in force or to come into force of the said Act and the enactments of this Act, shall apply as to other New Districts, subject to the following provisions:

Chef-lieu.

Provisions of 20 V. c. 44 to apply.

When the next foregoing enactment shall take effect.

1. The immediate establishment of the said District of Chicoutimi, in order that proper buildings may be constructed and other provision made for carrying the said Act and this Act fully into effect therein, shall operate no change in the local jurisdiction of the Superior Court or Circuit Court in the present District of Saguenay, or in the now existing Chicoutimi Circuit, until the day which shall be named as that on which the said Act and this Act shall take full effect in civil matters in and with respect to the said District of Chicoutimi, in the first Proclamations to be issued under the said Act and this Act, appointing the times at which Terms of the Superior Court and of the Circuit Court at the *Chef-lieu* are to be held in and for the said New District of Chicoutimi, and by which Proclamations the Governor shall declare the said New District to be established for all purposes of the administration of Justice in civil matters;

Proclamations.

Number of Terms of Superior Court and Circuit Court in Chicoutimi.

2. The number of Terms of the Superior Court and of the Circuit Court at the *Chef-lieu* and of the Circuit Court when held in and for the said County of Chicoutimi at any other place or places than the *Chef-lieu* respectively, to be held in the said New District of Chicoutimi in each year, shall not be less than three in each year for each Court; and any such Term of either Court may

may be appointed to be held between the ninth day of July and the first day of September, as in the Districts of Gaspé and Saguenay; and the tenth section of the *Act to amend the Act to amend the Laws relative to the Courts of original Civil Jurisdiction in Lower Canada*, passed in the sixteenth year of Her Majesty's Reign, and the fifty-ninth section of this Act, shall not apply to the said District of Chicoutimi;

One Judge for Saguenay and Chicoutimi.

3. The said New District of Chicoutimi shall be assigned by the Governor to the same Judge as the then District of Saguenay, and such Judge may from time to time be directed by the Governor to reside in either of the said Districts, at such place as the Governor shall appoint; but the salary of such Judge, if directed to reside in the said New District of Chicoutimi, shall be the same as if he were directed to reside in the District of Saguenay;

Funds for building Court House and Gaol.

4. All moneys already appropriated for the building of a Court House and Gaol at Chicoutimi, shall be available for building a Court House and Gaol at the *Chef-lieu* of the said New District of Chicoutimi;

Pending suits not affected.

5. All suits and proceedings pending on the day on which the said New District of Chicoutimi shall be established for all purposes of the administration of Justice in Civil matters, shall be continued to judgment and execution, and as to all proceedings after execution, as if the said District had not been so established;

As to Criminal matters, 20 V. cc. 44, 27 & 29, to apply.

6. As regards the administration of Justice in Criminal matters, all the provisions of the Lower Canada Judicature Act of 1857, of the Acts of the same year (twentieth Victoria,) chapters twenty-seven and twenty-nine, and of this Act, shall apply to the said New District of Chicoutimi, in like manner as to other New Districts.

The said Act 20 V. c. 44, may be brought fully into effect in criminal matters in one or more districts, if certain requirements are complied with and the Governor sees fit, without waiting till it can be so brought into force in all the districts.

75. Notwithstanding any thing to the contrary in the fourth or in the one hundred and fifty-second section of the Lower Canada Judicature Act of 1857, whenever the Governor shall be satisfied that there is at the *Chef-lieu* in any one or in any number of the New Districts constituted by the said Act, and this Act, a proper Court House and Gaol for all the purposes of the administration of Justice, he may issue a Proclamation appointing a day on which the remaining sections of the said Act not then in force in such New District or Districts shall come into force therein, and also a Proclamation naming the day on which the said Act shall take full effect in Criminal matters in such New District or Districts, and appointing the times at which the Terms of the Court of Queen's Bench are to be held in such New District or Districts respectively, and declaring the said New District or Districts to be established for all purposes of the administration of Justice

in

in Criminal matters ; and any such Proclamation shall have the same effect, as regards the District or Districts mentioned therein, as a Proclamation to the like effect issued under the fourth section of the said Act with regard to all the New Districts would have had with regard to them under the said section, although there may be still some New District or Districts in which certain sections of the said Act are not then in force ; And in case any Proclamation or Proclamations is or are issued under this section, and the said Act as amended by this Act, the remaining New Districts not included in any such Proclamation, shall continue, for all purposes of the administration of Justice in Criminal matters, to form part respectively of the Old Districts of which they now form part for such purposes, until they are themselves established for such purposes by Proclamations issued under this section and the said Act : But nothing in this section shall make it necessary that any such Proclamation should issue at any time with respect to any New District or Districts, if the Governor should deem it advisable to delay the issue thereof in any case, either to a later day, or until the said Act can be brought fully into force in Criminal matters in all the New Districts constituted by the said Act and by this Act. Proviso.

76. The provisions of this Act and those of the several Acts herein referred to upon similar subjects, shall *be construed* with reference to each other and as parts of *the same* law; and the one hundred and thirteenth section of the said Lower Canada Judicature Act of 1849, (chapter thirty-eight, and all other provisions for the interpretation of that Act, and of the said Lower Canada Judicature Act of 1857, shall extend to the interpretation of this Act ;—The express repeal of particular provisions of former Acts shall not be construed as continuing in force any other provision of the same or of any other Act inconsistent with this Act, but any such inconsistent provisions shall be held to be repealed : The expression "The Lower Canada *Judicature* Act of 1857," when used in this Act, shall mean the Act of the Parliament of Canada passed in the twentieth year of Her Majesty's Reign, and intituled, *An Act to amend the Judicature Acts of Lower Canada.* Act to be construed as one Act with 20 V. c. 44 : and certain rules of interpretation to apply to it. Short Title of Act 20 V. c. 44.

SOHEDULE A.

Affidavit of the plaintiff (or *one of the plaintiffs*) *under section eleven of this Act.*

Lower Canada, District (*or* Circuit) of } In the Superior (*or* Circuit) Court.

A. B., Plaintiff, *vs.* C. D., Defendant.

A. B., of , the plaintiff (*or* one of the plaintiffs) in this cause, being duly sworn doth depose and say, that the sum of

of , being the amount demanded of the defendant in this cause, is justly due by him to the plaintiff (*or* plaintiffs) therein for the causes in his (*or* their) *demande* mentioned: and the said deponent hath signed, (*or* hath declared himself unable to sign, being thereunto duly required).

Signature, A. B.

Sworn before me, at , this day of 185 .

J. S. P.

Signature of the Judge, Prothonotary, Clerk or Commissioner.

SCHEDULE B.

Affidavit of a person other than a plaintiff under section eleven of this Act.

Lower Canada, District (*or* Circuit) of } In the Superior (*or* Circuit) Court.

A. B., Plaintiff, *vs* C. D., Defendant.

E. F., of , being duly sworn, doth depose and say, that to his personal knowlege, the sum of being the whole (*or* part, *as the case may be*) of the amount demanded of the defendant in this cause, is justly due by him to the plaintiff (*or* plaintiffs) for the causes in his (*or* their) *demande* mentioned: and the said deponent hath signed, (*or* hath declared himself unable to sign, being thereunto duly required).

Signature, A. B.

Sworn before me, at , this day of 185 .

J. S. P.

Signature of the Judge, Prothonotary, Clerk or Commissioner.

SCHEDULE C.

Affidavit of an Opposant or of some other person under Section fourteen of this Act.

Lower Canada, District (*or* Circuit) of } In the Superior (*or* Circuit) Court.

A. B., Plaintiff, *vs.* C. D., Defendant,
and
G. H., Opposant.

A. B., of , the opposant, (*or* one of the opposants in this cause, *or other person, as the case may be*) being duly sworn doth depose

depose and say, that the facts articulated and set forth in the annexed opposition, and each and every of them, is and are true; and that the said opposition is not made with any intent unjustly to retard or delay the execution of the judgment recorded in this cause, but that the same is made in good faith for the sole purpose of obtaining justice, and the said deponent hath signed (*or* hath declared himself unable to sign, being thereunto duly required).

Signature, A. B.

Sworn before me, at , this day of 185 .

J. P.

Signature of the Judge, Prothonotary, Clerk or Commissioner.

SCHEDULE D.

Affidavit of Service under Section fifty-eight of this Act, to be indorsed on the Writ of Summons.

A. B., of , being duly sworn, doth depose and say, (that he is a Bailiff entitled to serve process of the County Court of the County of , in Upper Canada,) and that he served the within Writ of Summons on C. D., the Defendant (*or as the case may be*) therein named, on the day of , 18 , at o'clock in the at , in the said County, by delivering to *him* personally a true copy of the said Writ (*or as the case may be*) by leaving a true copy thereof for the said C. D. with a grown up person of *his* family at *his* domicile in the said County: and Deponent hath signed.

A. B.

Sworn before me, at , this day of , 18 ,

J. P.

Signature of the Commissioner or Justice of the Peace.

[N. B.—*Omit the words* "that he is a Bailiff entitled to serve process of the County Court of the County of in Upper Canada,"—*when the service has been made by a literate person who is not a Bailiff, or being a Bailiff is not entitled to serve process of the County Court in such County. See sect.* 58.]

CAP.

CAP. VI.

An Act to enable Foreign Executors, Administrators and Corporations, to sue and be sued in Lower Canada.

[*Assented to 30th June*, 1858.]

Preamble.

WHEREAS doubts have arisen whether Foreign Executors and Administrators, as well as Joint-Stock Companies and Corporations incorporated and erected as well by Acts of Foreign Legislatures or Governments as by the Legislature of Upper Canada before the re-union of Upper and Lower Canada, have the right to sue or are liable to be sued in Lower Canada, and it is fitting and proper such doubts should be removed, and that such Executors and Administrators and Corporations or Joint Stock Companies should be entitled to sue and be liable to be sued in the same way as private individuals: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Foreign Executors and Administrators, &c., enabled to sue and be sued in Lower Canada.

1. All Executors of Wills, and all Administrators, or other legal representatives of the estate of any person dying in or out of Lower Canada, but seized of real or personal effects or rights of action there, and all other persons who either by the law of Upper Canada or by the Law of any Country or State whatever where the deceased may have died or have made his will, may be legally seized of the estate of the deceased or represent him in law, shall be recognized, and the legal capacity of any such Executor, Administrator or Representative shall be of equal validity and effect, by and before all Judges and Justices, and by and before all Courts in Lower Canada, and to all other legal intents, as in the Country or place where he or they may reside or have been named and appointed, or where the will of the deceased may have been made, notwithstanding that such Executor or Administrator or Representative, may reside out of Lower Canada.

Foreign Corporations, &c., enabled to sue and be sued in Lower Canada.

2. All Joint Stock or other Companies or bodies politic and corporate, who may have a legal capacity in the jurisdiction wherein they were or hereafter may be respectively erected or recognized, and all person or persons on whom by any properly constituted authority or law, whether of the heretofore Province of Upper Canada, or of the Imperial Parliament of Great Britain and Ireland, or of the United States of America, or of any of them, or of any other foreign state, colony or dominion, may have been or shall be conferred the right or power of suing or being sued, shall have the like capacity in Lower Canada, to bring and defend all actions, suits, plaints, bills and proceedings whatsoever,—and shall, by and

and before all Courts, Judges and Judicial authorities whatever in Lower Canada be held in law to be capable of suing and being sued, pleading and being impleaded, answering and being answered unto in the same name, manner and way as they could or might respectively be within the jurisdiction wherein such executors or administrators or person, body politic and corporate, Joint Stock Company or Association of persons, are or may be respectively created, erected or recognized.

Service of process on agents, &c., or at office of any such executor, company, &c., in L. C. to be good.

2. In whatever part or place in Lower Canada, any such executor or administrator or person, company or body politic or corporate, joint stock company, or other body or association of persons recognized by any foreign law as aforesaid, may have an office for the transaction of or may carry on business, such executor or administrator, company, body politic or corporate, joint stock company or other body or association, shall be liable to and may be sued and impleaded in Lower Canada, and a service of any process at any such office, or on any agent at the place or within the district or part of Lower Canada where such action may be brought, of any such Company, body politic or corporate, joint stock company or other body, shall be deemed and taken to be, by and before all Courts and Judges whatever, a good and valid service to compel the appearance of and make any such executor or administrator, body politic or corporate, joint stock company or association of persons, amenable to the laws of Lower Canada, and to give such Court or Judge jurisdiction over such defendants.

CAP. VII.

An Act to facilitate the proof in Lower Canada of certain Instruments executed without that section of the Province.

[*Assented to 30th June*, 1858.]

Preamble.

WHEREAS it is expedient to facilitate the proof in Lower Canada of certain instruments executed beyond the limits of that section of the Province, the originals whereof are deposited with Notaries Public: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Notarial copies of powers of Attorney attested before foreign public Officers, and deposited with any Notary to be *prima facie* evidence of

1. A Notarial copy of any power of Attorney purporting to be executed out of Lower Canada, in the presence of one or more witnesses, and to be authenticated by or before any Mayor or other Magistrate, Judge of any Court of Record, British Consul or other Public Officer of the Country where it bears date, the original whereof may be deposited for any purpose with any Notary Public in Lower Canada, and which copy shall be certified in the ordinary form by the Notary having

such Instruments.

having the custody of the original, shall be taken and received by and before all Courts and elsewhere in Lower Canada, as *primâ facie* evidence of the original and of the due execution thereof; and such power of Attorney shall be held and taken to be authentic and duly proved in the manner aforesaid, unless the authenticity thereof be specially put in issue as hereinafter mentioned.

How the authenticity of such Instruments may be questioned, and ascertained by commission, &c.

2. It shall be competent for any interested party to deny the authenticity of the original of any such copy, by filing with the plea denying such authenticity, an affidavit to the effect that he has reason to doubt, and does not believe, that the same was executed or attested by the person or persons nor in the manner it purports to be, and by entering security, to the satisfaction of a Judge, for all costs attending the execution of any commission to be issued to prove such power of Attorney; it shall then be incumbent on the party wishing to use the copy, to prove the original thereof in due form of law, to which end the Notary having the custody of such original shall be bound, on the order of any Judge, to deposit the same in Court in the cause wherein it is put in issue, first detaching the same from any original minute whereto it may have been annexed, and taking at the expense of the party, a true and exact copy thereof collated in due form of law, which shall for the time being remain of record with him in lieu of the original; and it shall be the duty of all Judges and Courts to grant such order, on petition, any law or custom to the contrary notwithstanding; and the original may thereupon be annexed to any Commission to be issued for the proof thereof.

Costs of proof, how payable.

3. If such power of Attorney is duly proved, all costs incurred on the proceedings for proving it shall be taxed against and payable by the party denying the authenticity of the same, whatever may be the final judgment in the cause.

CAP. VIII.

An Act to amend the laws relating to admission to the Notarial Profession in Lower Canada.

[*Assented to 30th June*, 1858.]

Preamble.

WHEREAS it is just to grant to candidates for the notarial profession in Lower Canada, advantages equivalent to those enjoyed by candidates for the profession of advocate, or for the medical profession, in that section of the Province: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Term of Clerkship shortened for students

1. Any law student who, having conformed to the other provisions of the law regulating the admission to the study of the notarial

notarial profession in Lower Canada, shall, before or simultaneously with his period of service under a practising notary, have pursued a complete and regular course of legal studies in any school or faculty of law, legally established, in any college or university in Lower Canada, in conformity with the statutes of such college or university, shall only be bound to serve three years of clerkship, and shall be admitted to the notarial profession after he shall have submitted to an examination before the Board of Notaries for the district in which he shall have studied, and upon production of a certificate from the Rector, Principal, Superior, or other chief officer of such college or university, setting forth that such student has really and *bonâ fide* pursued the complete and regular course of study required by this Act, and has succeeded in passing the examinations required by the statutes of such college or university.

Who have gone through a regular course of law in a college, &c, in Lower Canada, and passed his examination there.

2. The provisions of this Act shall apply also to law students for the notarial profession, who shall be regularly indentured under articles at the time of the passing of this Act.

To what students this Act shall apply.

3. Any Act or part of any Act contrary to the provisions of this Act, are hereby repealed, in so far only as regards students who shall comply with the requirements of this Act.

Repeal of inconsistent enactments.

4. *This* Act shall be a Public Act.

Public Act.

CAP. IX.

An Act to amend the Act passed in the twentieth year of Her Majesty's Reign, intituled, *An Act to extend the right of Appeal in Criminal Cases in Upper Canada.*

[*Assented to 30th June*, 1858.]

WHEREAS it is desirable to correct a clerical error in the Fifth Section of the said Act: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The word "Terms" shall be struck out of the said fifth section, and the word "Term" inserted and read in lieu thereof.

Sect. 5 of 20 V. c. 61 amended.

CAP.

CAP. X.

An Act to amend an Act passed last Session, intituled, *An Act to amend the Common Law Procedure Act*, 1856, *and to facilitate the remedies on Bills of Exchange and Promissory Notes.*

[*Assented to 30th June*, 1858.]

Preamble. WHEREAS it is inexpedient that the summary remedy for the recovery of Bills of Exchange and Promissory Notes provided by the fourth, fifth, sixth, seventh, eighth and ninth clauses of an Act passed in the last Session of the Provincial Parliament, intituled, *An Act to amend the Common Law Procedure Act*, 1856, *and to facilitate the remedies on Bills of Exchange and Promissory Notes*, should be allowed to take effect on and after the first day of July next: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

20 V. c. 57.

Sect. 4 of the said Act amended. 1. The time fixed in the fourth clause of the said Act for the operation of the said clauses shall be extended to the first day of January, eighteen hundred and sixty.

CAP. XI.

An Act to amend the Act, intituled, *An Act to enlarge the Representation of the people of this Province in Parliament*, in so far as it relates to the Township of Armagh.

[*Assented to 30th June*, 1858.]

Preamble. WHEREAS it would be for the advantage of its inhabitants, that the Township of Armagh, now forming part of the Counties of Montmagny and Bellechasse, should be included within the limits of one County only: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Township of Armagh annexed to Bellechasse. Exception. 1. From and after the passing of this Act, the Township of Armagh shall, for all purposes whatsoever, form part of the County of Bellechasse, with the exception of that part of the said Township designated and known as "*Les Prairies*," lying within the limits of the Parish of St. François, which shall continue to form part of the County of Montmagny.

CAP.

CAP. XII.

An Act to confer additional powers on the Trinity House of Montreal.

[*Assented to 30th June*, 1858.]

Preamble. 12 V. c. 117.

WHEREAS in an Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to repeal a certain Act and Ordinance therein mentioned, relating to the Trinity House at Montreal, and to amend and consolidate the provisions thereof*, no provision has been made for the disposal of effects found in the River St. Lawrence, within the Port of Montreal; And whereas it is desirable to invest the Trinity House of Montreal with the same powers in relation to effects so found as are given to the Trinity House of Quebec with respect to such effects: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Notice to be given to the Trinity House by persons finding effects within its jurisdiction.

1. Every person finding any effects or thing in the River St. Lawrence, or on the beach thereof, or in any part of the rivers running into the same, within the Port of Montreal, shall, within four days, if the same be found within the Harbour of Montreal, and within fifteen days, if the same be found within any other part of the Port of Montreal, give notice thereof to the Registrar and Treasurer of the Trinity House of Montreal, under a penalty not exceeding ten pounds, and shall give him a description of the thing found; If, in the mean time, the master or owner claims the same, he shall pay to the finder, for his trouble, a fair remuneration, to be fixed by the Trinity House of Montreal, when the parties cannot agree upon it.

Party claiming to pay a remuneration to be fixed by Trinity House.

Effects not claimed to be advertised;

2. When any thing found in the River St. Lawrence, within the above limits, has not been claimed, the Registrar and Treasurer may advertise it during four weeks, in English and in French, in two or more newspapers published at Montreal, and if within one month after such publication the same be not claimed, the said Registrar and Treasurer shall sell the same publicly, and after deducting the expenses of advertising, sale or otherwise, two-thirds of the proceeds of the sale shall belong to the finder, and the remaining third to the Trinity House of Montreal.

And sold if not claimed.

Interpretation of this Act.

3. This Act shall be construed as if its provisions made part of the Act above cited, and all the words and expressions used in this Act shall be held to have the same meaning that they have in the said Act, and all the provisions of the said Act, with regard to the penalties imposed by it, shall apply to the penalty imposed by this Act, which shall be deemed a public Act.

Public Act.

CAP.

CAP. XIII.

An Act to incorporate the Village of Renfrew, in the County of Renfrew.

[*Assented to 30th June*, 1858.]

Preamble. WHEREAS the inhabitants of the village of Renfrew, in the County of Renfrew, have by their petition represented, that from the rapid increase of the population of the said village, it has become necessary to confer upon it corporate powers, and have prayed that it may be incorporated accordingly, and it is desirable to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Renfrew incorporated as a village. **1.** From and after the passing of this Act, the inhabitants of the said village of Renfrew shall be a body corporate apart from the Township of Horton, in which the said village is situate; and as such shall have perpetual succession and a common seal, with such powers and privileges as are now or shall hereafter be conferred on incorporated villages in Upper Canada, and the powers of such corporation shall be exercised by, through, and in the name of the municipality of the village of Renfrew.

Boundaries of the village. **2.** The said Village shall comprise and consist of the following lots and parcels of land, that is to say: Lots numbers nine, ten, eleven, twelve, thirteen and fourteen in the first and second concessions of the Township of Horton, in the County of Renfrew.

Governor to appoint a Returning Officer. **3.** Immediately after the passing of this Act, it shall be lawful for the Governor of this Province to appoint a Returning Officer for the said village of Renfrew, which Returning Officer shall appoint the time and place for holding the first election in the said village, of which appointment the said Returning Officer shall give notice in a newspaper published in the said village, or if there be no newspaper published there, then by notices posted in at least three conspicuous places in the said village ten days before the said election.

Notice of Election.

His duties. Qualification of voters. **4.** The duties of the said Returning Officer, and the qualifications of the voters and persons elected as Councillors at such first election, shall be as prescribed by law with respect to townships in Upper Canada.

Copy of Collector's Roll to be furnished to Returning Officer. **5.** The Collector or Township Clerk of the Township of Horton, or other person having the legal custody of the Collector's Roll of that Township, for the year of our Lord one thousand eight hundred and fifty-seven, shall furnish to the said Returning

Returning Officer, on demand made by him for the same, a true copy of such Roll, so far as the same relates to voters resident in the said village, and so far as such Roll contains the names of the male freeholders and householders rated upon such Roll in respect of real property lying within such limits, the amount of the assessed value of such property for which they shall be respectively rated on such Roll, which copy shall be verified on oath or as is now required by law.

Returning Officer to be sworn.

6. The said Returning Officer, before holding the said Election, shall take the oath or affirmation now required by law to be taken by Returning Officers for incorporated villages in Upper Canada.

Subsequent elections to be as in other places.

7. Elections for Councillors for the said village of Renfrew, after the year one thousand eight hundred and fifty-eight, shall be held in conformity with the provisions of law applying to incorporated villages in Upper Canada.

Oaths of Officer, &c.

8. The several persons who shall be elected or appointed under this Act, shall take the same oaths of office and of qualification now prescribed by law.

Number and powers of Councillors, &c.

9. The number of Councillors to be elected under this Act shall be five, and they shall be organized as a Council in the same manner as in villages incorporated under the provisions of the Upper Canada Municipal Acts, and have, use and exercise the same powers and privileges as in the said incorporated villages.

Village separated from Township.

10. From and after the passing of this Act, the said village shall cease to form part of the said township of Horton, and shall, to all intents and purposes, form a separate and independent municipality, with all the privileges and rights of an incorporated village in Upper Canada; but nothing herein contained shall affect or be construed to affect any taxes imposed for the payment of any debts contracted by the township of Horton aforesaid, but the said village of Renfrew shall be liable to pay to the treasurer of the township of Horton aforesaid, in each and every year until any such existing debt be fully discharged, the same amount which was collected within the said described limits of the said village towards the payment of such debt, for the year one thousand eight hundred and fifty-seven, and the same shall be a debt against the said village.

Proviso as to existing debts.

New Township Councillor to be elected in place of any one residing in Renfrew.

11. Any Councillor elected to serve in the township council of the said township of Horton, for the present year, and residing within the above prescribed limits of the said village, shall, immediately on the passing of this Act, cease to be such councillor, and the duly qualified electors of the said township of Horton, not included in the said limits, shall thereupon

proceed to elect a new Councillor or Councillors, as the case may be, to serve in the council of the said township, for the remainder of the year, as in the case of death or resignation provided for by the Municipal laws of Upper Canada.

Township Officers not to collect taxes in the village during 1858; how the village taxes for this year shall be raised.

12. The officers of the said council of the township of Horton, shall not proceed to collect any rate or assessment imposed by the said council for the present year, within the limits of the said village, but the amount which may be required for the purposes of the said village within the present year, shall be based on the assessment of the township assessor or assessors for the present year, and shall be collected by the officer or officers to be appointed by the said village council for that purpose: Provided always, that nothing herein contained shall affect any school section or school rate for the present year, nor the right of any school section to any money already set apart for School purposes; And provided further, that the said village of Renfrew shall be entitled to recover from the said Township of Horton, such share of all money apportioned to such Township from the Upper Canada Municipalities Fund, prior to the passing of this Act, as shall bear the same proportion to the whole sum so apportioned to the said Township as the number of rate-payers resident within the limits of the said village, as shewn by the Collector's Roll of one thousand eight hundred and fifty-eight, bears to the whole number of rate-payers of the said Township; And also provided further, that the said village of Renfrew shall be entitled to recover from the said Township of Horton all money which may have been collected by the said Township for all Tavern, Shop and Auctioneer Licenses granted within the limits of the said village for the year one thousand eight hundred and fifty-eight.

Proviso: as to School rates.

Proviso: as to share of Clergy Reserve Fund.

Proviso: as to Tavern, Shop and Auctioneer licenses.

Requisite proportion of Assessment Roll to be furnished for Renfrew.

13. The Clerk of the said Township shall, and he is hereby required to furnish to the Clerk to be appointed by the Council of the said village, on demand made by him therefor, a true copy of the Assessment Roll for the present year, so far as the same shall contain the rateable property assessed within the said village, and the names of the owners thereof.

As to expenses of assessments for 1858, &c.

14. The expenses of any assessment imposed for the present year, so far as the same shall relate to assessments made within the limits of the said village, and the expenses of furnishing any documents, or copies of papers and writings, by the Clerk or other officer of the Council of the said Township, hereinbefore referred to or required to be furnished, shall be borne and paid by the said village Council to the said Township Council or otherwise as the said Township Council shall require.

Public Act.

15. This Act shall be deemed a Public Act.

CAP. XIV.

An Act to annex certain new Townships to the Counties of Victoria and Peterborough and the North Riding of the County of Hastings.

[*Assented to 30th June*, 1858.]

Preamble.

WHEREAS the rapid settlement of the new Townships of Carden, Dalton, Ryde, Draper, Macaulay, *Digby*, Longford, Oakley, Lutterworth, Anson, Hindon, Laxton, Snowdon, Minden, Stanhope, Glamorgan, Dysart, Guilford, Monmouth, Dudley, Harburn, Chandos, Cardiff, Harcourt, Bruton, McClure, Herschel, Faraday, Wollaston, Wicklow, *Monteagle*, Dunganan, Limerick, Bangor, Carlow, Mayo and Cashel, which have been recently surveyed, and which adjoin the present limits of the Counties of Victoria, Peterborough and the North Riding of the County of Hastings, renders it expedient that the said Townships should be annexed to the said Counties respectively, in the manner hereinafter mentioned: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain new Townships annexed to Victoria.

1. From and after the passing of this Act the said Townships *of Carden*, Dalton, Ryde, Draper, Macaulay, Digby, Longford, *Oakley*, Lutterworth, Anson, Hindon and Laxton, shall be attached to and form part of the said County of Victoria for all purposes whatsoever.

Certain others annexed to Peterborough.

And certain others to North Riding of Hastings.

2. From and after the passing of this Act the said Townships of Snowdon, Minden, Stanhope, Guilford, Dysart, Glamorgan, Monmouth, Dudley, Harburn, Bruton, Harcourt, Cardiff and Chandos, shall be attached to and form part of the County of Peterborough for all purposes whatsoever; And the said Townships of McClure, Herschel, Faraday, Wollaston, Wicklow, *Monteagle*, Dunganan, Limerick, Bangor, Carlow, Mayo and Cashel, shall be attached to and form part of the North Riding of the County of Hastings for all purposes whatsoever.

CAP. XV.

An Act to legalize certain By-laws and Debentures of the Town Council of Cobourg, and to amend the Act vesting the Cobourg Harbour in the Municipal Corporation of the Town of Cobourg, and for other purposes.

[*Assented to 30th June*, 1858.]

Preamble.

WHEREAS by an Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled,

13, 14 V. c. 83. intituled, *An Act to vest the Harbour at Cobourg in the Municipality of that Town*, the Harbour of the Town of Cobourg, and all the rights, privileges and appurtenances attached or belonging thereto, were vested in the Municipal Corporation of the Town of Cobourg, with power to borrow moneys for the improvement of the said Harbour, as the same might, from time to time, be required; And whereas, since the passing of the said recited Act, large sums of money have, from time to time, been raised by the said Municipal Corporation, by the issue of debentures, which moneys have been expended in the extension and improvement of the said Harbour; And whereas doubts have arisen as to the validity of the By-laws under which the said debentures have been issued, and it is desirable to remove the same, and also to make certain amendments in the said recited Act: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

By-laws and debentures for raising money under the said Act, confirmed.

1. Any By-law or By-laws passed by the said Municipal Corporation since the passing of the said recited Act, and any debenture or debentures issued thereunder for raising money, for the extension, improvement or repairs of the said Harbour, or for the payment of any debt incurred by the said Municipal Corporation on account of the said Harbour, shall be, and the same are hereby declared to be, valid and binding upon the said Municipal Corporation, notwithstanding any defect or imperfection in the said By-laws or debentures, or any or either of them, respectively.

By-laws to be passed for the said purposes to be valid.

2. Any By-law or By-laws to be hereafter passed by the said Municipal Corporation for raising any money for the extension, improvement or repair of the said Harbour, or for the payment of any debt due by the said Municipal Corporation on account of the said Harbour, shall express the purpose for which such money is to be raised, the amount to be raised, the time and manner when the same shall be payable, and shall charge the payment of the principal and interest of the money to be raised thereby, upon the tolls and revenues of the said Harbour; and none of the forms necessary to the validity of any By-law imposing any rate by a Municipal Corporation, shall be required as to any By-law passed, or to be passed under the said recited Act or this Act; Provided always, that the entire amount raised, and to be raised, under the said recited Act and this Act, shall never exceed the sum of forty thousand pounds currency.

Proviso: total amount limited.

Charges on the Harbour Fund, and their order.

3. The tolls and revenues arising from the said Harbour shall be kept by the said Municipal Corporation in an account distinct and separate from the account of all other funds and moneys of the said Corporation, and the charges upon the said tolls and revenues of the said Harbour, shall rank as follows:

1st.

1st. Expenses of management;

2nd. Interest on debentures;

3rd. Sinking Fund of two per cent. per annum on the amount of principal unpaid;

4th. General purposes of the Corporation.

Sinking Fund how to be appropriated.

4. The amount of the Sinking Fund, at the end of each year, shall be invested in Government or Municipal Loan Fund Debentures, or in the redemption of any debentures issued under the said recited Act or this Act, and shall not be used for any other purpose whatever.

Public Act.

5. This Act shall be deemed a Public Act.

CAP. XVI.

An Act to alter and amend the Acts relating to the Niagara District Bank.

[*Assented to 30th June*, 1858.]

Preamble.

WHEREAS the Niagara District Bank, a Body Corporate and Politic, constituted as such under and by virtue of the Act of the Legislature of this Province, passed in the eighteenth year of Her Majesty's Reign, and intituled, *An Act to incorporate the Niagara District Bank*, have by their Petition in that behalf prayed for certain amendments in the Acts relating to the said Corporation, and it is desirable to grant the prayer of the said Petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

18 V. c. 204.

Time for raising certain new capital under 20 V. c. 163, extended.

1. For and notwithstanding any thing in the aforesaid Act, or in the Act passed in the twentieth year of Her Majesty's Reign, and intituled, *An Act to alter and amend the Act incorporating the Niagara District Bank*, contained, the remaining sum of Two Hundred Thousand Pounds of the Capital Stock of the said Corporation shall be subscribed for and paid up as follows, that is to say, the sum of Fifty Thousand Pounds within two years from the passing of this Act, and the remaining sum of One Hundred and Fifty Thousand Pounds within five years from the passing of this Act, on pain of forfeiture of the privileges granted by the said Act and by this Act.

Inconsistent enactments repealed.

2. So much of the Acts aforesaid, or either of them, as may be inconsistent with or repugnant to the provisions of this Act, shall be and is hereby repealed.

3.

Privileges not forfeited by reason of stock not being paid up, as required by 20 V. c. 163.

3. It is hereby declared that none of the privileges granted by the said Acts, or either of them, have been forfeited by reason of the said first mentioned sum of Fifty Thousand Pounds not having been subscribed for and paid up before the passing of this Act as required by the said Acts, or either of them, and that the said privileges and each and every of them still are and shall continue to be vested in and enjoyed by the said corporation in as full and ample a manner to all intents and purposes whatsoever as they have ever been vested in or enjoyed by it, subject only to the terms and conditions of the said Acts as amended by this Act.

Public Act.

4. This Act shall be a Public Act.

CAP. XVII.

An Act to amend the Act of Incorporation of the College of L'Assomption.

[*Assented to 30th June*, 1858.]

Preamble.

WHEREAS by the Act of Incorporation of the College of L'Assomption, passed in the Session held in the fourth and fifth years of Her Majesty's Reign, chaptered sixty-eight, and intituled, *An Act to incorporate the College of L'Assomption, in the County of Leinster*, it is provided that the Corporation of the said College shall consist of—firstly—the Roman Catholic Bishop of Montreal, or his representative—secondly, the Director of the College and his successors in office—thirdly, the Rector of the Parish; fourthly and fifthly—of the two Priests, or if there be none, of the two Ecclesiastics who shall have been longest resident in the said College—sixthly, seventhly, eighthly and ninthly—of the Reverend François Labelle, the Reverend Edouard Labelle, Doctor L. J. C. Cazeneuve, and Doctor Jean Baptiste Meilleur, voluntary Trustees, and amongst the founders and benefactors of the said College; And whereas by the said Act it is further provided, that in case of the death of any one or more of the four members of the Corporation last mentioned, he or they shall be succeeded by a person or persons to be chosen by the inhabitant heads of families of the said Parish of L'Assomption, qualified to vote at the election of Parish Officers, at the first annual meeting to be held for that purpose after the death of such member or members, and the said persons so chosen to be members of the said Corporation shall, at their death respectively, be replaced by other persons chosen in like manner, and so on continually for ever; And whereas the Ordinance of the Special Council passed in the fourth year of Her Majesty's Reign, chaptered three, which authorized such Parish meetings, was repealed by the Act passed in the eighth year of Her Majesty's Reign, chaptered forty, and in consequence the

4, 5 V. c. 68.

the powers conferred upon the inhabitant heads of families of L'Assomption, by the Act of Incorporation above cited, have ceased to exist, and it is necessary to adopt a new mode of election for the replacing of the said four members of the Corporation in future, and it is absolutely requisite to provide immediately for the election of a successor to the said Doctor L. J. C. Cazeneuve, who is deceased: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Mode of electing successors to the lay members of the corporation of the College.

1. The said Act of Incorporation of the College of L'Assomption is, and shall be amended in the following manner, that is to say: the said Doctor L. J. C. Cazeneuve, and any other of the said four members whose death, removal, resignation or residence without the limits of the Parish of L'Assomption, shall hereafter render the choice of a successor necessary, shall be replaced by one or more persons to be chosen by the Corporation of the College of L'Assomption, by a majority of the votes of the surviving members present, at a meeting to be held for that purpose, and of which the quorum, mode of calling and all other proceedings incident thereto, shall be regulated by the said Corporation; and the said mode of election shall, for all purposes whatever, be substituted for that prescribed by the said Act of Incorporation, the other provisions of which not affected by this Act, shall remain in force.

Proviso: Present members not affected.

2. Provided always, That nothing contained in this Act shall affect any of the present members of the said Corporation.

Public Act.

3. This Act shall be deemed a Public Act.

CAP. XVIII.

An Act to authorize the community of the Sisters of Charity of the General Hospital of Montreal, known as the *Grey Nuns*, to sell or alienate their fiefs and seigniories, and other property therein mentioned.

[*Assented to 30th June*, 1858.]

Preamble.

WHEREAS the reverend Sister Superior and other members of the community of the Sisters of Charity of the General Hospital in Montreal, commonly called *Grey Nuns*, and administrators of the property of the poor of the said hospital, have by their petition prayed that an Act may be passed to authorize them to sell and alienate their fiefs and seigniories and other property therein mentioned, and to employ the proceeds of such sale in the acquisition of other real estate, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1.

The said Grey Nuns empowered to sell certain property.

1. It shall be lawful for the said community of the Sisters of Charity of the General Hospital of Montreal to sell or otherwise alienate all the fiefs and seigniories generally belonging to the said community and all property to them belonging *à titre de fief ou seigneurie* in Lower Canada, and all islands and islets appertaining to the said community in Lower Canada,—also all mills, water powers, emplacements, lands and tenements whatsoever, with the buildings thereon and their dependencies, belonging to the said community within the limits of any fiefs or seigniories, islands or islets, belonging to the said community; also, all lands held *en censive* belonging to the said community, situated in the village of St. Henri in the island of Montreal, and which has been intersected by railways, with all its dependencies.

Sales may be made in block or in parcels, &c.

2. It shall also be lawful for the said community of the Sisters of Charity of the General Hospital of Montreal to make or effect the sale or other alienation of such fiefs, seigniories, islands or islets, mills, water powers, emplacements, lands and tenements, with all their appurtenances and dependencies, in block or at different times in parcels, for a fixed price or sum of money, or for constituted rents (*rentes constituées*) or redeemable ground rents, or by way of exchange for other lands in Lower Canada, and to be paid and receive the price or proceeds of such sales or alienations, and the capital of the constituted or ground rents resulting from such sales or alienations, or to leave the whole or any part thereof in the hands of the purchaser, payable by instalments.

Purchase money may be invested in lands, rents, &c., which may be again sold.

3. It shall be lawful for the said community of the Sisters of Charity of the General Hospital of Montreal to purchase or acquire and hold at any time other immoveable property in Lower Canada, or constituted or ground rents charged upon real estate or immoveable property in Lower Canada up to the amount of the capital produced by the sale or alienation of the property which they are authorized to sell or alienate by this Act, and to sell or otherwise alienate at any time, in the manner prescribed by this Act, the real property, lands received in exchange, constituted or ground rents so acquired; the laws respecting mortmain or any other Act or law to the contrary notwithstanding.

Return of property sold, &c., to be made to the Governor when called for.

4. The said community of the Sisters of Charity of the General Hospital of Montreal, shall, when required so to do by the Governor or person administering the government of this Province, make a report and submit to him a statement of the sales or other alienations, and of the acquisitions which they may have effected in virtue of this Act, and of all sums of money which they have received as and for the principal arising from the sales or alienations which they shall have effected under the authority of this Act.

Public Act.

5. This Act shall be deemed to be a Public Act.

CAP.

CAP. XIX.

An Act to incorporate the Montreal Mountain Boulevard Company.

[*Assented to 30th June*, 1858.]

Preamble.

WHEREAS it is desirable for the embellishment of the City and Suburbs of Montreal, and for the health of the citizens thereof, that a Boulevard or Public Road should be formed on and around the Mountain adjoining the said City, and that suitable grounds should be set apart upon the sides or top of said Mountain for Public Grounds, Parks, Gardens, Squares or Ornamental Grounds; And whereas Chas. S. Rodier, Mayor, Jno. Boston, Wm. Murray, W. H. Bréhaut, Benj. Hall, Jno. Crawford, Gregor McGregor, Jas. H. Springle, E. A. Dubois, John Leeming, S. W. Monk, A. Robertson, William Workman, D. Lorn McDougall, T. Bouthillier, M. H. Gault, David Bellhouse, J. Glennon, H. L. McDougall, John G. Dinning, Peter Redpath, W. Badgley, J. Smith, S. C. Monk, Chas J. Coursol, James Court, for the heirs McCulloch, L. Villeneuve, for the Montreal Seminary, G. Moffatt, Wm. Dow, L. H. Holton, H. B. Smith, Wm. Lunn, Robt. Anderson, Wm. Watson, John Frothingham, J. S. McCord, M. E. David, T. C. Panton, Robt. McKay, John Young, and Sidney Bellingham, have petitioned to be incorporated, with such other persons as shall become associated with them, as a Company under the name of the "Montreal Mountain Boulevard Company:" Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons incorporated.

1. The said Charles S. Rodier, Mayor, John Boston, Wm. Murray, W. H. Bréhaut, Benj. Hall, John Crawford, Gregor McGregor, Jas. H. Springle, E. A. Dubois, John Leeming, S. W. Monk, A. Robertson, Wm. Workman, D. Lorn McDougall, T. Bouthillier, M. H. Gault, David Bellhouse, J. Glennon, H. L. McDougall, John G. Dinning, Peter Redpath, W. Badgley, J. Smith, S. C. Monk, Chas. J. Coursol, James Court, for the heirs McCulloch, L. Villeneuve, for the Montreal Seminary, G. Moffatt, Wm. Dow, L. H. Holton, H. B. Smith, Wm. Lunn, Robt. Anderson, Wm. Watson, John Frothingham, J. S. McCord, M. E. David, T. C. Panton, Robt. McKay, John Young, Sidney Bellingham, and such other persons as shall, under the provisions of this Act, become subscribers to or proprietors in the Company hereby intended to be incorporated, shall be and are hereby united into a Company for the constructing, maintaining, and managing the Boulevard or Public Road to be formed on and around the said Mountain adjoining the said City of Montreal, and the grounds to be set apart upon the sides or top of the said Mountain for Public Grounds, Parks, Gardens, Squares or Ornamental Grounds, as aforesaid, and shall be, and are hereby ordained,

For what purpose.

Corporate name.

ordained, constituted and declared to be a body corporate and politic in fact, by and under the name of the "Montreal Mountain Boulevard Company," and the said Company shall be, and they are hereby authorized and empowered from and after the passing of this Act, by themselves, their agents, officers, workmen and servants, to make and complete the Boulevard or Public Road, Public Grounds, Parks, Gardens, Squares or Ornamental Grounds aforesaid for the embellishment of the said City and suburbs, and for the health of the citizens thereof.

Amount of capital stock, and shares thereof.

2. The Capital Stock of the said Company shall be Fifty Thousand Dollars, divided into Shares of Twenty Dollars each; such shares as aforesaid shall be, and the same are hereby vested in the Shareholders and their respective heirs, executors, administrators and assigns as personal estate; and such Shareholders respectively may sell, transfer, give or alienate the shares held by them respectively whensoever they think fit; and the said Company shall have power to increase the Capital to One Hundred Thousand Dollars.

Power to increase.

Votes by proxy or in person—one for each share.

3. At all Meetings of the said Company each Shareholder may vote in person or by proxy, duly appointed in writing, and shall be entitled to one vote for each share.

Subscription books to be opened, after public notice.

4. The persons hereinbefore named, or the majority of them, shall cause books of subscription to be opened in the City of Montreal aforesaid, for at least thirty days previous to the Meeting of the Shareholders hereinafter provided for, for receiving the subscriptions of persons willing to become subscribers to the said undertaking; and for this purpose it shall be their duty, and they are hereby required to give public notice in two or more newspapers published in the said City of Montreal, in the English and French languages, as they or a majority of them may think proper, of the time and place at which such books will be opened and ready for receiving subscriptions as aforesaid; and further, the said persons, or a majority of them, are hereby empowered to appoint a Provisional Committee, if they should see fit, for the ends and purposes above specified.

City of Montreal and other Municipalities may hold stock.

5. It shall also be lawful for the City of Montreal, or the Municipality of any locality through which the said Boulevard shall pass, or for any religious community or corporation, whose property may be traversed or affected by the said Boulevard, to hold stock in the said Company, or to lend money to the said Company, any Act or law to the contrary notwithstanding, and to appoint a person or persons to vote for such Municipality, Community or Corporation, upon the shares so held, or to exercise any of its other rights as a member of the Corporation, in such manner as said Municipality, Community or Corporation and the Company may agree upon.

6.

6. So soon as Five Thousand Dollars of the Capital Stock of the said Company shall have been subscribed as aforesaid, it shall be the duty of the persons before named, or a majority of them, or of the Provisional Committee appointed by them as aforesaid, to call a Meeting of the Shareholders for the purpose of putting this Act into effect; which said Meeting shall be held at the City of Montreal aforesaid; and eight days previous notice thereof shall be given in two newspapers published in the English and French languages respectively in Montreal, at which said General Meeting, the Shareholders shall choose nine Directors in the manner and qualified as hereinafter mentioned, who shall hold office until the first annual General Meeting for the election of Directors, and until others be appointed in their stead. First general meeting for the election of Directors.

7. In each year after the said Meeting hereinbefore provided for the first election of Directors, the Annual General Meeting of the said Shareholders shall be held on the first Monday in March in each year at the said City of Montreal, at such time and place as the Directors may appoint; and public notice shall be given thereof by notice inserted once at least, eight days previous to each said Meeting, in two newspapers, the one in the English, the other in the French language, published in the said City of Montreal. Annual meetings. Notice.

8. At such first, and at every subsequent Annual General Meeting of the said Stockholders, the said Stockholders, or a majority of them there present, either by proxy or in person, by vote, according to the said number of shares, shall choose nine persons then being Stockholders in the said Company which persons so chosen shall be the Board of Directors to manage, direct and carry on the affairs and business of the said Company for one year next following such annual meeting, or until another Board of Directors shall be appointed, and particularly such matters and things as are by this Act hereinafter directed and authorized to be done by such Directors, and as shall from time to time be ordered by such annual or other General Meetings of the said Shareholders; and shall have power to name and appoint from the Members of the said Board a President, a Vice-President and a Treasurer and Secretary; and at any Meeting of the said Board duly held, any five members of such Board shall be a quorum, and may exercise the powers of the said Board: Provided always, that such President, or Vice-President in the absence of the President, to be chosen as aforesaid, in addition to his own vote, shall have a casting vote in case of any equal division of votes at the Meetings of the aforesaid Directors: Provided always, that such Board shall, from time to time, make reports of their proceedings to, and be subject to examination and control of, the said General Meetings of the Shareholders at any such General Meetings, such orders and directions not being contrary to the provisions of this Act or to the Laws of this Board of Directors, how and when to be chosen. Appointment of Officers. Proviso. Proviso.

Proviso. this Province: Provided also, that the Directors who are to be chosen at the first Meeting of the said Shareholders shall be a Board for the purposes aforesaid, until the said first Annual General Meeting, and shall have the like powers, and exercise all or any of the powers vested by this Act in the said Board to be chosen at such first or other general annual meeting: Proviso. Provided also further, that the members of any such Board at Proviso. any time going out of office may be re-elected: And provided also further, that security may be taken from any of the office bearers of the said Company for the due fulfilment of their Proviso. duties: And provided also further, that any Stockholder in the said Company, whether a British subject or alien, or a resident in Canada or elsewhere, shall have an equal right to hold Stock in the said Company, and to vote on the same, and Qualification of a Director. to be eligible to office in the said Company; and no person shall be qualified as Director unless he hold ten Shares of the Capital Stock of the said Company.

Failure to hold annual meeting not to dissolve Company. **9.** The failure to hold the first annual General Meeting, or another meeting, or to elect such Board of Directors, shall not dissolve the said Corporation; but such failure or omission may be supplied by and at any such special meeting to be called as the said Directors may appoint for that purpose; and until such election of a new Board, those who may be in office for the time being shall be and continue in office, and exercise all the rights and powers thereof until such new election be made as hereinbefore provided.

Duties of Board of Directors. **10.** The said Board shall have and be invested with full power and authority to conduct, manage and oversee, and transact all and singular the concerns, affairs and business of the said Company, and all matters and things whatever in any wise relating to or concerning the same, and amongst other things—

As to agents or servants. *Firstly.* To appoint and employ, and remove all such officers, engineers, surveyors, agent or agents, servant or servants, of the said Company, as they may find from time to time expedient and necessary, and to regulate the duties, and fix the salaries and wages of such agents and servants, and the necessary expenditure for the management and working of the said Company; and such Officers, Engineers, Surveyors, Agent or Agents, Servant or Servants, shall have the right to enter on all lands whatsoever in the vicinity of the said Boulevard to enable Proviso. them to make surveys; Provided the said Company shall be responsible for all damages thereby occasioned to the owners or occupiers of such lands;

Shares and their transfer. Proxies. *Secondly.* To regulate the form of certificate of shares, and all matters relating to their transfer; and to regulate the form of proxy to be used by shareholders, and the mode of voting by proxy.

Thirdly.

Thirdly. To choose and acquire for and in the name of the said Company, the requisite lands for the construction of the Boulevard or Public Road, Public Grounds, Parks, Gardens, Squares or Ornamental Grounds, and to enter into the necessary arrangements and agreements for the construction of the same, and during, upon, and after the construction, to have the entire management and disposition thereof; to levy fines and penalties, and to fix and determine by by-law the amount of tolls to be paid for passing upon, over and through the said Road or Boulevard, provided the amount of such tolls shall in no case exceed a return of ten per cent. on the capital stock of such Company after paying all the expenses of maintenance and repairs, and if at any time such amount of tolls, after such deductions, should exceed the said ten per cent. on the capital stock, the surplus, after payment of such dividend, shall be applied to reducing the said tolls; Acquisition of lands. Fines and tolls. Proviso: profits of Company limited.

Fourthly. The Company shall have the right to make and enter into deeds, bills, notes, agreements, contracts, and other documents and engagements to bind the Company, and whether by the said Directors or their agents, as may be deemed expedient; and shall have the right to borrow money, not exceeding in all at any time One Hundred Thousand dollars, at such rate of interest as may be agreed upon, to promote the purposes and interest of the Company, and the securities to be given by and to the said Company for the same, to give, make and enter into as may be required; and in the borrowing of money by way of loan, the debentures of the said Company may be in the form given in the schedule of this Act marked A, or in any other like form, and need not be passed before Notaries: Provided always, that no such Bill, Note or Debenture shall be for a less sum than One Hundred Dollars. Company may enter into engagements, &c., and borrow money on debentures. Proviso.

11. It shall be lawful for the Company at any annual meeting, or special general meeting convened for that purpose, to make by-laws, rules and regulations for the conduct and management of the business and affairs of the Company, and the same to alter, amend, repeal or re-enact as shall be deemed needful and proper, such by-laws not to be inconsistent with this Act, nor with the laws in force in this Province. By-laws to be made.

12. All the by-laws, rules, regulations and ordinances enacted as aforesaid by the Shareholders for the proper conduct and management of the said company, shall be entered by the Secretary in a book to be kept for that purpose, which book shall be open at all times to the inspection of the Stockholders and interested parties, and a copy of any such entry, certified by the President and Secretary of the said Company, shall be *primâ facie* evidence of such rules and regulations respectively in all Courts of Justice. By-laws, &c., to be entered in a book.

Calls upon stock.

13. The Directors for the time being may make calls for the stock subscribed for, in such manner and at such intervals as may be by them deemed expedient; and the said Company may in any Court having jurisdiction in matters of simple contract to the amount demanded, sue for, recover and receive of or from any Stockholder in the said Company, the amount of any call or calls of stock and interest thereon, which such Stockholder may neglect to pay; and in any such action it shall be sufficient to allege that the defendant is a Stockholder of the Company, and that a call or calls were made upon such stock and were not paid, and to prove by any one witness, whether in the service of the Company or not, such facts as will support the said allegations, neither alleging or proving the appointment of the Directors, or any other special matter, and without naming such Directors in the declaration or other proceedings in the case: and no person shall be disqualified from being a witness in any case for or against the said Company by reason of his being a Shareholder therein.

Proceedings upon failure to meet calls.

Stockholders may be witnesses.

Directors may sell shares on which calls are unpaid.

14. If any call made by the Directors upon the Stockholders of the Company shall not be paid in within thirty days after it shall have become due and payable, the Directors, instead of suing for the same, may, by resolution to that effect, sell the shares on which such calls are due and unpaid, and transfer the same to the purchaser as the owner thereof might have done, and after deducting all calls due, interest and cost of sale, they shall pay over the remainder of the proceeds of the sale to the owner of the shares sold: Provided that no such sale shall be made until eight days' previous notice to the proprietor of such share or shares shall have been given, either at his domicile, or through two newspapers if such Shareholder has no domicile in the City of Montreal.

Proviso.

Liability of Shareholders limited.

15. Certificates of shares may from time to time be issued by the Company to persons subscribing for shares, and thereupon the rights and liabilities of Shareholders shall immediately attach in respect of such shares, and Shareholders as such shall not be held liable for any claim, engagement, loss or payment, or for any transaction, matter or thing relating to or connected with the Company, beyond the amount of their respective shares; and such shares in the capital stock of the Company shall be deemed personal estate, and may be from time to time transferred by the owner in person or by attorney duly authorized, subject, however, to the payment of all instalments due and to become due thereon, with any interest which may have accrued, and the transferee shall thenceforth be entitled to vote at all meetings of Shareholders; provided that no such transfer shall be valid until duly registered on the books of the Company, and no person shall be entitled to sell or transfer any share or shares until the amount of all calls for the time being, and interest, which may be due, are paid or secured to be paid to the satisfaction of the Company; and no transfer of shares shall

Shares, how transferred.

Proviso.

All calls must be first paid.

shall release any of the original Shareholders from his or their liability for the payment of the amount of his share or shares, until the same shall have been fully paid.

16. The Boulevard shall be divided into four sections, as follows: Sections of Boulevard:

The first—Starting from some point on Sherbrooke Street in the vicinity of Durocher Street or the College Avenue, near the said mountain, and extending along the south-eastern slope thereof, passing the Waterworks' Reservoir and McTavish's Monument, and connecting with the road between the junction of Sherbrooke and Guy Streets and the Côte des Neiges toll gate, at such point as may be deemed advisable; Number one.

The second—Starting from some point on the road between the junction of Sherbrooke and Guy Streets and the Côte des Neiges toll gate, and extending south and westward around the southern end of the mountain near Monklands to the turnpike road near the village of Côte des Neiges; and also, should it be deemed advisable, connecting with the said turnpike road or the Côte St. Antoine, at some point beyond Metcalfe Terrace; Number two.

The third—Starting from some point near the village of Côte des Neiges, and extending northward and eastward, and around *the northern* end of the large mountain, to connect with section *first* as above; Number three.

The fourth—Starting from section first, at or near McTavish's Monument, to the top of the mountain, at or near the water pond upon the boundary between the properties of John Redpath, Esquire, and H. B. Smith, Esquire, and thence as directly as possible to connect with section third, as also from the said water pond northward and eastward upon the top of the mountain: Number four.

Provided always, that the above sections may be altered as *found* necessary and requisite after obtaining a particular survey of the same. Proviso: as to alterations.

17. Each Shareholder, on subscribing his share or shares in the said Company, shall have the right to designate the section of the said Boulevard upon which the amount of his subscription shall, in the first place, be applied; and it shall be the duty of the Directors to maintain distinct accounts of the receipts and application of such subscriptions until all the sections be completed; and in case no special application is made, then it shall be optional with the Directors to make application on such section or sections as they may see fit. Shareholders to designate section on which their subscriptions shall be first expended.

18. The Company shall have power to acquire lands for Parks, Public Grounds, Gardens, Squares or Ornamental Grounds, by agreement with the proprietor or proprietors, or may Power to acquire lands;

may accept such lands if offered by the proprietors thereof at a valuation approved of by the Directors.

And to hold the same for certain purposes.

19. It shall be lawful for the said Company and their successors, to acquire in the manner hereinafter provided, and to hold as their own property for ever, all or any such lands being on or about the Montreal mountain as they may require, to enable them to open and to make a Boulevard or public road not exceeding one hundred feet in width, nor more than one hundred and twenty feet at any two or more points, as may be requisite for the site of any toll house or other building to be erected by the Company; and all deeds and conveyances for lands to be conveyed to the said Company for the purposes of this Act may, in so far as the title to the said lands or the circumstances of such parties making such conveyances shall admit, be made in the form given in schedule of this Act marked B.

Deeds to the Company.

Powers with respect to exploration, draining, taking materials, &c., entry on adjoining lands.

20. The said Company shall have full power and authority to explore and survey the grounds or the country lying upon and around the said mountain, and to designate, establish and take, appropriate, have and hold, to and for the use of them and their successors, the requisite lands upon the line of their operations, and within the limits aforesaid, according to the provisions hereinafter contained for acquiring the same; and also to cut, make, and keep in repair upon such adjoining or neighbouring lands, such ditches, drains and water courses as may be necessary for effectually draining and carrying off the water from the said road or work, and to dig, take and carry away gravel, sand, stone, earth and other like materials from any adjoining or neighbouring lands, making compensation therefor as hereinafter provided; And for the purpose aforesaid, the said Company and their agents, servants and workmen, are hereby authorized and empowered to enter into and upon the lands and grounds of any person or persons, body or bodies corporate or politic; and the said Company is also authorized to make ditches, drains, plats, bridges and other works on the line of the said Boulevard, or on the sides thereof; and to include in the same any portion of any existing highway, which they may deem expedient to adopt as part thereof: Provided always, that in the event of the said Company adopting any portion of any existing highway, on which tolls are charged, as part of the said Boulevard, the said Company shall make to the Trustees or Managers of such highway, such reasonable compensation for the use thereof, as may be agreed upon between the parties interested, or decided by the award of arbitrators, as hereinafter provided: Provided always, however, that no compensation shall be paid or exacted for merely crossing any such highway or public road.

Proviso: as to existing roads.

Proviso.

Price of land to be ascertained by ar-

21. If the owner or owners, occupier or occupiers of any lands which the Company may be desirous of acquiring for the

the purposes aforesaid, or from which materials are to be taken, shall, upon demand made by the Directors of the said Company, or the Board of management for the time being, neglect or refuse to agree upon the price or amount of damages to be paid for such land, and the appropriation thereof to the use of the said Company, or for the exercise of any such powers as aforesaid, it shall and may be lawful for the said Company to name one arbitrator, and for the owner or occupier of such land so required, or with regard to which such power is intended to be exercised as aforesaid, to name another arbitrator, and for the said two arbitrators to name a third, to arbitrate upon, adjudge and determine the amount which the said Company shall pay before taking possession of such land, or exercising such power as aforesaid; and upon such sum being ascertained, due attention being had by the arbitrators in ascertaining the same to the benefits to accrue to the party or parties receiving compensation, it shall be lawful to the said Company to tender such sum to the said party or parties claiming compensation, who shall thereupon execute a conveyance to the said Company, or such other document as may be necessary and requisite, and the said Company shall, after such tender, whether such conveyance or document be executed or not, be fully authorized to enter upon and take possession of such land to and for the uses of the said Company, and to hold the same, or to exercise such powers as aforesaid, in such and the like manner as if such conveyance thereof or other document had been executed as aforesaid; Provided always, That if such person or occupier shall neglect to name an arbitrator for the space of twenty days after having been notified so to do by the said Company, or if the said two arbitrators do not agree upon such third arbitrator within twenty days after the appointment of the second arbitrator, then upon the application of the said Company, or of the other party, a Judge of the Superior Court shall nominate the second or third arbitrator, in lieu of the one so to be appointed or named, but not appointed or agreed upon by the party or the two first named arbitrators as aforesaid, and any award made by the majority of the said arbitrators shall be as binding as if the three arbitrators had concurred in and made the same: Provided also that no portion of the said Boulevard or public Road shall be so laid out as to injure any dwelling house or other building, or through any garden or orchard enclosed or cultivated as such during the preceding two years, without the consent of the owner or occupier thereof: And provided also, that before making the said road or any portion thereof, a proper survey shall be made and a plan thereof shall be deposited in the office of the Prothonotary of the Superior Court for the District of Montreal.

bitration in certain cases.

Appointment of arbitrators.

Mode of estimating the amount payable by the Company.

Proviso: if either party fails to appoint an arbitrator, or the arbitrators to appoint a third.

Proviso: certain grounds not to be taken: plan to be deposited.

Proviso.

22. Whenever any lands or grounds required by the said Company for purposes aforesaid are held or owned by any person or persons, bodies politic, corporate or collegiate, whose residence may not be within this Province, or unknown

Judge of the Superior Court to appoint an arbitrator in certain cases.

to the said Company, or where the title to any such lands or grounds may be in dispute, or when the owner or owners of such lands and grounds are unable to treat with the said Company for the sale thereof, or to appoint arbitrators as aforesaid, it shall and may be lawful for the said Company to nominate one indifferent person, and for a Judge of the Superior Court residing in the District of Montreal, on the application of the said Company, to nominate and appoint one other indifferent person, who, together with one other person to be chosen by the persons so named before proceeding to business, or in the event of their disagreeing as to the choice of such other person, to be appointed by any Judge as aforesaid before the others proceed to business, shall be arbitrators to award, determine, adjudge and order the respective sums of money which the said Company shall pay to the respective parties entitled to receive the same, for the said lands or damages as aforesaid, and the decision of the majority of such arbitrators shall be binding; which amount so awarded the said Company shall pay or cause to be paid to the several parties entitled to the same, or invested in such a manner as to a Judge of the Superior Court shall appear most advantageous, if the said lands are only held in trust for other parties: and in any case under this Act where there shall be no Deed conveying the property in question to the Company, a Record of the award or arbitration shall be made up and signed by the said arbitrators, or a majority of them, specifying the amount awarded and the cost of such arbitration, which may be settled by the said arbitrators or a majority of them, which Record shall be registered in the Registry Office for the Registration Division of Montreal; and the expenses of any arbitration under this Act shall be paid by the said Company, and by them deducted from the amount of such award, if the Company shall, before the appointment of their arbitrator, have tendered an equal or a greater sum than that awarded by the arbitrators, and otherwise by the opposite parties; and the arbitrators shall specify in their award by which of the parties the said costs are to be paid.

Record of arbitration in certain cases, and registered.

Expenses of arbitration how paid.

Powers of arbitrators as to examination of witnesses, &c.

23. The arbitrators, or a majority of them, may in their discretion examine on oath or solemn affirmation the parties or such witnesses as shall appear before them, and may administer such oath or affirmation, but this shall not prevent the arbitrators from acting and deciding upon their personal knowledge of the merits of the case, or from using such knowledge as they shall think just and right; and any wilfully false statement made by any witness under such oath or affirmation, shall be deemed wilful and corrupt perjury, and punished accordingly, and the arbitrators, or a majority of them as aforesaid, shall render their award within thirty days from the date of their appointment, unless the time shall be prolonged by consent of the parties.

No award invalidated for want of form.

24. No award made as aforesaid shall be invalidated by any want of form, or other technical objection, if the requirements

requirements of this Act shall have been complied with, and if the award shall state clearly the sum awarded, and the lands or other property, right, or thing for which such sum is to be the compensation; nor shall it be necessary that the party or parties to whom the sum is to be paid be named in the award.

Provision in the case of persons evading payment of tolls.

25. If any person or persons shall, after proceeding on the said Boulevard with any waggon, carriage, or other vehicle or animal liable to pay toll, turn off the said Boulevard into any other road, and shall enter the said Boulevard beyond any of the gate or gates without paying toll, whereby such payment shall be evaded, such person or persons shall for every such offence forfeit and pay to the said Company the sum of two dollars; and any one Justice of the Peace for the district in which the said Boulevard is situate, shall, on conviction of such offender, fine such offender in the said penalty, and shall cause the same to be levied in the manner hereinafter prescribed.

Penalty.

Persons permitting people to pass thro' their lands to avoid payment of toll.

26. If any person or persons occupying or possessing any enclosed land near any toll-house or toll-gates, or on the line of the said Boulevard, shall knowingly permit or suffer any person or persons to pass through such lands or through any gate, passage or way thereon, with any carriage or animal liable to the payment of toll, whereby such payment shall be evaded, every person or persons so offending, and also the *person riding* or driving any animal or carriage whereon such *penalty* is evaded, being thereof convicted before any one Justice as aforesaid, shall for every such offence severally incur a penalty not exceeding Four Dollars, in favor and for the use of the said Company.

Wilful hindrance, damage or injury, how punished.

27. If any person shall wilfully or maliciously interrupt or hinder the said Company, their servants or agents, in the exercise of any powers conferred by this Act, or shall wilfully or maliciously injure or destroy any of the toll-gates, buildings, grounds, trees, fences, or ornaments on the said Boulevard or Public Road, Public Grounds, Parks, Gardens, Squares or Ornamental Grounds, or shall commit any nuisance, or cause any filth or noisome body to be deposited, in or about the same, such person shall be guilty of a misdemeanor, and, upon conviction thereof before any Court of competent jurisdiction, shall be punishable by fine not exceeding twenty-five pounds, or imprisonment not exceeding three months, or both, at the discretion of the Court.

Levying fines and penalties by distress.

28. The fines and forfeitures authorized to be summarily imposed by this Act, shall and may be levied and collected by distress and sale of the offender's goods and chattels, under the authority of any warrant or warrants of distress for that purpose, to be issued by the Justice or Court before whom the conviction shall have been had; and in case there shall be no goods or chattels to satisfy such warrant or warrants, such

 offender

offender or offenders shall and may be committed to the Common Gaol of the District for any period not exceeding one month.

Property to be free from taxes.

29. The lands held by the Company for the said Boulevard or Public Road, Public Grounds, Parks, Gardens, Squares and Ornamental Grounds, shall be exempt from all taxes and public burdens whatever.

City Corporation may acquire the property on certain conditions.

30. If at any time the Corporation of the City of Montreal shall determine to acquire the said Boulevard or Public Road, Public Grounds, Parks, Gardens, Squares and Ornamental Grounds, or any part thereof, at any stage of their execution, it shall be lawful for the Company to sell, and the said City Corporation to purchase and hold the same, together with all the rights and privileges thereto belonging under this Act, upon such terms as may be mutually agreed upon between the Directors of the Company and the duly authorized agents of the City Council, and respectively by a general meeting of the Shareholders of the Company, and by a public meeting of the citizens, or by a poll or vote of the same, as may be determined by a By-law of the said City Council.

Tolls to be subject to approval of Governor in Council.

31. The tolls, rates and dues to be charged by the said Company, shall at all times be subject to the approval of the Governor in Council.

Interpretation.

Public Act.

32. This Act shall be a Public Act, and the word "Company" shall mean the *Montreal Mountain Boulevard Company* in this Act mentioned and described.

SCHEDULE A.

No. $

This Debenture witnesseth that the Montreal Mountain Boulevard Company, under authority of the Statute of the Province of Canada, passed in the Session held in the twenty-first and twenty-second years of Her Majesty's Reign, intituled, (*title of this Act*), are indebted to the bearer hereof in the sum of dollars, as a loan, to bear interest from the date of the issue hereof, at the rate of per centum per annum, payable half-yearly, on the , day of , and on the day of , which said sum of dollars the said Company hereby bind and oblige themselves to pay on the day of , in the year of our Lord, one thousand eight hundred and , to the bearer hereof, at , and also to pay the interest thereon half-yearly as aforesaid, to the bearer hereof, at the place aforesaid, on delivery of the coupons therefor now forming part hereof.

And

And for the due payment of the said sum of money and interest, the Company under authority of the said Statute do hereby hypothecate the real estate and appurtenances hereinafter described, that is to say: (*Here describe the property hypothecated.*)

In testimony whereof, A. B., of , President of the said Company, hath hereto set his signature and affixed the Common Seal of the said Company, at , this day of , in the year of our Lord, one thousand eight hundred and .

A. B. (L. S.)

Countersigned and entered.
C. D., Secretary.

SCHEDULE B.

Know all men by these presents, that I, (*or* we, *as the case may be*), A. B., of , in consideration of paid to me (*or* us) by the Montreal Mountain Boulevard Company, the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell, convey and confirm unto the said Company all that tract or parcel (*or* those tracts or parcels, *as the case may be*) of land situate (*here describe the lands*) the same having been selected and laid out by the said Company for the purposes of their Boulevard or Road, to have and to hold the said lands and premises with all appurtenances thereto, to the said Company, their successors and assigns for ever. (*Here add clause for release of dower, if any.*)

Witness my hand and seal (*or* our hands and seals, *as the case may be*) this day of , in the year of our Lord, one thousand eight hundred and .

Signed, sealed and delivered in presence of L. M. N. O. } A. B (L. S.)

CAP. XX.

An Act to make valid a certain conveyance of Land to the *Freelton Flour Manufacturing Company*, and to enable them to convey and rent the same.

[*Assented to 30th June*, 1858.]

Preamble. WHEREAS the Freelton Flour Manufacturing Company, a body corporate, formed under the provisions of the Act passed in the session held in the thirteenth and fourteenth years of 13, 14 V. c. 28.

of Her Majesty's Reign, and chaptered twenty-eight, have by their petition represented, that on or about the nineteenth day of May, one thousand eight hundred and fifty-six, they purchased from one Patrick Freel, certain lands in the Township of West Flamborough, in the County of Wentworth, being composed of Village Lot number one hundred and twenty-seven, as laid down on the plan of the said Village of Freelton, in the said Township, as surveyed by one James McIntosh, a Deputy Provincial Land Surveyor, for the said Patrick Freel, and containing, by admeasurement, one acre, be the same more or less; And whereas the said Company have erected and put in full operation upon the said lot an extensive stone Flouring Mill, which they are desirous of being enabled to sell and convey, or rent and demise, and it being doubtful if the said Company had the power of acquiring by purchase or of holding the said property in fee, or of leasing, demising or renting the same, and it being just and expedient to grant the prayer of the said petition, and to declare the said purchase from the said Patrick Freel valid in law, and to enable the said Company to sell and convey, mortgage or to demise and rent the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Conveyance to the Company confirmed.

1. The sale and conveyance of the hereinbefore mentioned lot of land from the said Patrick Freel to the said Freelton Flour Manufacturing Company, shall be held and taken to have been and to be good and valid in law, subject to any legal incumbrance by mortgage or otherwise, which at the time of the conveyance of the said land, existed thereupon for good and legal consideration.

Company may sell, mortgage or demise the said land.

2. It shall and may be lawful for the said Freelton Flour Manufacturing Company to bargain, sell, convey and mortgage the said land and premises, notwithstanding any provision in the Act recited in the Preamble to this Act; and further, it shall and may be lawful for the said Company to lease, demise, rent or otherwise dispose of the same, subject as aforesaid to any mortgage, charge, or other incumbrance as aforesaid.

Public Act.

3. This Act shall be deemed a Public Act.

CAP. XXI.

An Act to incorporate certain persons under the name of the "Quebec Warehouse Company."

[*Assented to 30th June*, 1858.]

Preamble.

WHEREAS it is desirable for the benefit of this Province generally, and especially for the shipping interest, that additional facilities be afforded in the harbor of Quebec for the mooring, sheltering, loading and unloading, of vessels; And whereas

whereas the persons hereinafter mentioned have, by petition, prayed to be incorporated for the purpose of creating such additional harbor accommodation, and for other purposes hereinafter mentioned: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Names of persons incorporated.

1. Henry Burstall, James Tibbits, William Rhodes, Edward Burstall, Hypolite Dubord, James Bell Forsyth, Joseph Bell Forsyth, A. Davidson Bell, and every such person or persons, body and bodies politic and corporate, as shall, under the authority of this Act, be associated with them and their several and respective successors, executors, administrators and assigns, as stockholders in the corporation hereby created, shall be a body politic and corporate by the name of the "Quebec Warehouse Company," and by that name shall and may have perpetual succession, and a common seal, with power to break and alter the same, and by that name shall and may sue and be sued, implead and be impleaded, in all Courts of Law and Equity in the Province; and the said corporation shall have their principal place of business within the limits hereinafter mentioned, but may open such office or offices at such place, either in this Province or elsewhere, as may be found necessary or convenient for the purpose of their business.

Corporate name and powers.

Common Seal.

Places of business.

Purposes for which Company is incorporated.

2. *The* said Company is hereby authorized and empowered, at its own costs and charges, to construct a harbor, wharf or wharves, with a wet-dock, dry-dock, marine railway, railway sidings, turn-tables, and stations regulated for the loading, discharging, and sheltering of all vessels, shipping, and craft, propelled by steam or otherwise, on the south shore of the river St. Lawrence, in the harbor of Quebec, at the place called "St. Charles' Cove," which said harbor, wharf or wharves, and docks, shall be accessible to, and safe and commodious for, the reception of such sail, steam or other vessels as now navigate the Atlantic, as well as for vessels engaged in the inland trade of *this* country, and also to erect and build such necessary moles, piers, breakwaters, wharves and booms, or other erections or constructions whatever, as shall be useful or proper for the purposes aforesaid, and the protection of the harbor, wharves, docks or booms, for the accommodation and convenience of vessels entering, lying, loading or unloading, repairing or fitting up in the same; and to alter and amend, and repair and enlarge the harbor, wharf or wharves, docks, railways and railway sidings as aforesaid, as may from time to time be found necessary or expedient, and also to erect and build sheds, stores and warehouses, for the reception and storage of goods, wares, and merchandize, free of duty, or in bond, or otherwise.

Corporations may hold real property purchased from

3. It shall be lawful for the said corporation, from time to time, to purchase, and to have and hold, such lands and tenements, and real and immoveable property, as may be necessary for

private individuals to extent of £100,000; And dispose thereof.

for carrying on the business of the said corporation, provided the portion of the capital of the company appropriated to the purchase of real property, does not at any time exceed one hundred thousand pounds; and it shall be lawful for the said corporation to sell, lease, or otherwise dispose of the said property and estate, from time to time, as they may see fit.

Buying and selling stock in certain companies.

4. It shall be lawful for the said corporation to purchase and hold stock or shares in any railway company, or in any incorporated company for the holding of steam or other vessels navigating the ocean, or the inland waters of this continent, and the same to sell or dispose of as they may think fit; and from time to time to make advances on goods stored in the stores or warehouses of the said corporation; to receive, take, and hold security or securities of any kind, or nature, for such advances, and for any debt or debts which may at any time become due to the said corporation; and to charge such a commission on such advances as may be agreed on; for which advances and commissions the said corporation shall have a lien upon such goods, and power to sell the same if such advances and commissions are not repaid according to the agreements made in respect thereto: And it shall also be lawful for the said corporation to issue certificates of goods received, or warehouse receipts therefor, on the production of which by the holder thereof, and on compliance by him with the terms thereof, the said corporation shall be compellable to deliver such goods, and not otherwise; and such warehouse receipts shall be transferable by endorsement, either special or in blank; and such endorsement shall transfer all right of property and possession of such goods to the endorsee or holder of such warehouse receipt, as fully and completely as if a sale and delivery of the goods mentioned therein had been made in the ordinary way; and on delivery of such goods by the said corporation, in good faith, to a person in possession of such warehouse receipt, the said corporation shall be free from all further liability in respect thereof.

Making advances on goods consigned to the company.

Transferable receipts for goods.

Until the election of Directors, the affairs of the Company to be managed by Trustees.

5. The stock, real estate, property, affairs and concerns of the said Company shall, until the election of Directors, as hereinafter mentioned, be vested in Henry Burstall and William Rhodes, as Trustees of the said Company, until the first election of Directors thereof, with power to such Trustees to open books for the subscription of stock therein, and generally to exercise the usual functions of provisional Directors until such first election, and such first election of Directors shall be made at a general meeting of the Stockholders of the said Company to be held for that purpose at the City of Quebec, within sixty days after one fifth of the capital stock of the said Company shall have been subscribed for, and after such notice thereof shall have been given as is hereinafter required for special general meetings of Stockholders in the said Company; and at such meeting five Directors shall be elected to hold office until the first Wednesday in the month of March then next following; and after such first election,

First meeting for election of Directors.

Annual elections.

election, the stock, real estate, property, affairs and concerns of the said Company shall be managed and conducted by five Directors to be annually elected by the Stockholders at a meeting of the Stockholders to be held for that purpose, on the first Wednesday of the said month of March, in each year; notice of which annual meeting shall be given at least sixty days previous to the day fixed for holding the same, in the manner hereinafter mentioned; and no person shall be a Director of the said Company unless he be the proprietor of at least ten shares of stock therein.

Notice of meetings for election.

6. Such Meeting shall be held, and the said election made, by such of the Stockholders of the said Company as shall attend for that purpose, in their own proper person or by proxy; and all elections for such Directors shall be by ballot, and the five persons who shall have the greatest number of votes at any such election, shall be Directors, and if it shall happen at any such election that two or more persons shall have an equal number of votes, in such manner that a greater number of persons than five shall, by a majority of votes, appear to be chosen Directors, then the said Stockholders hereinbefore authorized to hold such election, shall proceed to ascertain by ballot, which of the said persons so having an equal number of votes shall be a Director or Directors, to complete the whole number of five; and if any vacancy shall at any time happen among the Directors by death, resignation or otherwise, such vacancy shall be filled, for the remainder of the year in which it may happen, and until the then next annual meeting for the election of Directors, by a person to be elected by the Stockholders in manner aforesaid, at a special general meeting thereof duly called for that purpose.

Mode of election.

To be made by ballot.

Vacancies in direction, how filled up.

7. In case it shall at any time happen that an election of Directors shall not be made on any day, when, pursuant to this Act, it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful, on any subsequent day, to make and hold an election of Directors in such manner as shall have been regulated by the By-laws of the said Corporation; and the previous Directors shall, in every case, hold office until the election of their successors.

Failure to elect Directors on days appointed, not to operate dissolution of Company.

8. Special general meetings of the Stockholders may be convened on the requisition of any two Directors, or of a Shareholder or Stockholder possessing fifty shares of the stock of the said Corporation, after sixty days' notice of such Meeting; and such notice, and notice of the annual meetings of the said Corporation, shall be held to be validly given if inserted three times as an advertisement, in any two newspapers published in the City of Quebec; the first of which insertions shall be at least sixty days previous to the day fixed for such meeting.

Special meetings when and how to be called.

The Directors to make By-laws, and for what purposes.

9. The Directors for the time being, or the major part of them, shall, from time to time, have power to make such By-laws, rules and regulations, as to them shall appear needful and proper, for the purposes of this Act, to wit :

Government of the Corporation, and its property.

For the direction, conduct and government of the said Corporation, and of its property, real and personal, and its improvement and regulation throughout the year ;

For the preventing injury thereto.

For the preventing injury thereto and encroachments and incumbrances thereon, and the removal of the same ;

Appointment and removal of clerks and servants.

For the appointment, regulation and removal of the officers, clerks and servants of the said Corporation, and the election and remuneration of the Directors thereof ;

Penalties.

For the imposition of penalties, not exceeding five pounds currency, for any breach of the said By-laws, or of the provisions of this Act ;

Transfer of shares.

For regulating the transfer of shares in the capital stock of the said Company ;

Contracts with the Company.

For regulating the mode in which all contracts to be entered into by the said Corporation, of whatever nature, may be executed on behalf of the said Corporation ;

General purposes.

Proviso : By-laws to be sanctioned by Shareholders.

And finally, for the doing of every thing necessary to carry out the provisions of this Act according to their intent and spirit : Provided always, that such By-laws shall have no force or effect until sanctioned by a majority of Stockholders present in person or by proxy at any annual or other general meeting ; and a certificate purporting to be signed by the Secretary of the said Corporation, and under the Seal of the said Company, shall be *primâ facie* evidence of such By-laws, and of their having been sanctioned and posted up as herein required, in all or any Courts of Justice in this Province.

Copies of By-laws to be posted up on Works, &c.

10. Printed copies of such By-laws, certified by the Secretary, shall be posted up in a conspicuous position in the offices of the said Corporation, and until they have been so posted up, such By-laws shall have no force or effect whatever.

The president to be elected.

Security to be given by Officers.

11. It shall be lawful for the Directors to elect one of their members to be President of the said Corporation, and to appoint such officers, managers, clerks and servants, with such emoluments as they may see fit, and in their discretion to take such security from such officers, managers, clerks and servants, or any of them, as the said Directors may deem necessary.

Further powers of Directors.

12. The said Directors may make any payments and enter into any contracts for the purposes of the said Corporation, and for

for all matters necessary for the transaction of its affairs; may *generally* deal with, treat, purchase, loan, sell, mortgage, let, release and dispose of, and exercise all acts of ownership over the lands, tenements, property and effects of the said Corporation; may institute and defend, in the name of the said Corporation, all suits at law; may from time to time displace the officers, agents, clerks and servants of the said Corporation, except as hereinafter provided; and shall have power to collect and receive all charges subject to which goods or commodities may come into their possession; and on payment of such back charges, shall have *the* same lien for the amount thereof, upon such goods or commodities, as the persons to whom such charges were originally due, had upon such goods or commodities while in their possession; and shall and may have power to do all things whatever which may be requisite or necessary to carry out the objects of the Corporation.

Actions generally.
Dismissing Officers.
Collection of charges, dues, &c, on goods.

13. It shall be the duty of the Directors to make annual dividends of so much of the profits of the said company as to them, or a majority of them, may seem advisable; and once in each year an exact and particular statement shall be rendered by them of the state of the affairs, debts, credits, profits, and losses of the said Corporation, and such statements shall appear on the books, and be opened for the perusal *of any* stockholder upon request, at least one month *before the* annual meeting of the said company.

Declaring dividends annually, and statement of accounts.

14. It shall and may be lawful for the said Corporation to levy upon all vessels or rafts entering, departing from, or being anchored or otherwise moored, fastened, or lying within the limits of the property of the company, and upon all goods landed or shipped, carried or deposited, or stored therein, such wharfage, and such storage rates, and such other rates and tolls, not exceeding those limited in the Schedule hereunto annexed, as the Directors may, from time to time, fix and establish, as hereinafter provided, and the said rates and *dues shall* be levied as follows:

Power to levy rates upon vessels.

1. On sea-going vessels: The tonnage dues, or moorage rates thereon, shall be levied from the master or person in charge thereof, and the wharfage rates on goods landed or shipped, shall be levied from the consignee, shipper, owner, or agent thereof;

By whom payable on sea-going vessels.

2. On all other vessels: The tonnage dues thereon, as well as the wharfage rates upon the cargo, shall be paid by the master or person in charge thereof, saving to him such course as he may have by law against any other person for the recovery of the sums so paid; Provided however, that it shall be lawful for the said Corporation to demand and recover the said wharfage rates from the owners, consignees, or agents of ships, or shippers of cargoes, if they

On other vessels.

Proviso: may be recovered from owners or consignees.

see

Unclaimed goods how to be dealt with.

see fit to do so; and in the event of goods lying unclaimed on the wharves, or in the warehouses of the said Corporation, for a period of ninety days, such goods may be sold by public auction after three weekly advertisements thereof shall have been published in any newspaper in the City of Quebec, and the said Corporation shall account for the proceeds thereof to the owner thereof on demand, first deducting all their lawful charges thereon; and if such goods be of a perishable nature, they may be sold within a shorter period, provided cause for such sale be shown by affidavit before any Justice of the Peace for the District of Quebec, and an order for such sale procured from such Justice, who is hereby authorized to grant the same.

Companies may levy tolls and rates not exceeding those in the Schedule.

15. It shall be lawful for the Directors, from time to time, to ask, demand and receive, from all owners or masters of vessels, or persons in charge thereof, from owners, consignees, or agents of all rafts, wares, goods or other merchandize, rates, tolls, dues, and duties for moorages of rafts, vessels, or boats, propelled by steam, sail or otherwise, which may from time to time enter or depart from the said harbor, within the said limits, or which may be lying or anchored, or otherwise moored or fastened therein, and upon all goods, wares and merchandize landed, shipped, carried or deposited or stored therein, not exceeding those limited in the schedule hereunto annexed.

Seizure of vessels and goods for non-payment of dues.

16. In case of non-payment of said dues or tolls or part thereof, or any other charge which, under this Act, the said Corporation may lawfully make, it shall be lawful for the said Corporation to seize forthwith before judgment, any vessel or goods whatsoever upon which such dues or other charges may be owing, and to detain the same at the risk, cost and charges of the owner, until the sum due and the charges incurred for the seizure and detention of the same be paid in full; and in the event of such rates, dues or other charges remaining due for forty days after such seizure, such vessel or goods may be sold by the said Corporation by public auction, after the publication in any newspaper in the said City of Quebec, of three weekly advertisements of such sale; and the said Corporation shall thereafter, on demand, account to the owner of such vessel or goods for the proceeds of such sale, first deducting the rates or tolls due, and all their other legal charges.

Sale of vessel or goods, if tolls are not paid.

Masters of vessels required to make certain reports.

17. It shall be lawful for the said Corporation to require from the master or person in charge of every vessel in the said harbour, a report in writing signed and certified by him, of his vessel's cargo inwards and her draft of water, such report to be made before he shall break bulk; also, of her outward cargo and draft of water before his vessel shall leave the harbour, and such other particulars as may be necessary to carry out the provisions

provisions of this Act; and in case of refusal or neglect to make *such* reports, or any of them, it shall be lawful for the said Corporation to seize and detain such vessel at the risk, cost and charges of the master, owner, or person in charge thereof, until the aforesaid requirements are complied with; Provided always, that nothing herein contained shall prevent the said Corporation from making such mutual agreement with the masters, owners or agents of steamboats or other vessels, with respect to making such reports, and with respect to the payment of all harbour and other dues as may be considered expedient; And provided also, that nothing herein contained shall be construed to prevent the said Corporation from commuting with such masters, owners or agents of steamboats or other vessels, for all rates or dues accruing thereon, on such terms and conditions, and for such sum or sums of money, and for such periods, as to the said Corporation may seem fit and expedient.

Proviso: Corporation may agree with masters of steamboats, &c.

Proviso: for further agreement.

18. If any injury shall be done to any of the wharves, piers or other works in the said harbour, constructed or to be constructed, by any vessel, or by the carelessness or wantonness of the crew thereof, while in the execution of their duty, or of the orders of their superior officers, it shall be lawful for the said Corporation to seize such vessel and detain her until the injury so done shall have been repaired by the master or crew; or until security shall have been given by the said master to pay such *amount for the* injury and costs, as may be awarded in any suit *which* may be brought against him for the same; and he is hereby declared to be liable to the said Corporation for any such injury.

Vessels may be seized for injury done to wharves, &c.

19. All dues and penalties imposed by this Act, or by any By-law made under the authority thereof, and all rates, tolls and dues authorized to be levied under and by virtue of this Act, may be recovered by civil action or proceeding at the suit of the said Corporation, before any Court of competent jurisdiction.

Recovery of Harbour dues and penalties.

20. The seizure of any raft or vessel which, under and by virtue of *this* Act, the said Corporation may make for the purpose of enforcing the provisions thereof, may be effected upon the order of any Magistrate for the District of Quebec, which order such Magistrate is hereby authorized and required to give upon the application of the said Corporation, or its authorized agent, on the institution of any action before such Magistrate for any cause rendering such raft or vessel liable to seizure, and on the affidavit of any one credible person that the cause of such action alleged in the declaration, complaint or information, before such Magistrate, is well founded in fact; and such order may and shall be executed by any constable, bailiff or other person whom the said Corporation may choose to entrust with the execution thereof; and the said constable, bailiff or other person is hereby authorized and empowered to take all necessary means, and to demand all necessary aid, to enable him to execute the same.

Magistrate required to give an order for seizure of vessels, &c., when so requested by the Company or its agent.

21.

Capital Stock of Company.

21. The Capital Stock of the Company shall be one hundred thousand pounds, current money of this Province, to be held in one thousand shares of one hundred pounds each, and the shares of the said Capital Stock shall be transferable upon the books of the said Company, in such manner and subject to such restrictions as shall be fixed by the By-laws of the said Company; Provided always, that no person to whom shall be allotted any stock in the said Corporation, shall be exempted from liability to the creditors thereof, or from payment of any calls thereon, by reason of any transfer which he may make of such stock, until the whole amount of the stock so allotted to him be paid in full by the holder thereof; and the stock of the said Company shall be deemed moveable personal estate, notwithstanding the conversion of the funds, or any part thereof, into real estate.

Proviso: liability of Shareholders until Stock is paid up.

In certain cases, Directors to have powers to issue paid up Stock.

22. The Directors shall have power to issue paid up stock in the said Company, in payment of the price of real estate acquired for the purposes of this Act; and such paid up stock shall be free from all calls whatsoever, and from all claims and demands on the part of the said Company, or of the creditors thereof, to the same extent as if the amount of the same had been regularly called in by the said Company and paid by the holder thereof in full.

Per centage payable on subscribing: A notice of sixty days on calls upon Stock to be given.

23. Every person subscribing for shares of the Capital Stock of the said Company, shall, at the time of such subscription, pay to the Treasurer or to such other person as may be appointed by the said Trustees, or by the Directors, to receive the same, the sum of five pounds currency per share on account of such subscription, without which payment such subscription shall not be valid; and subsequent calls upon the capital stock of the said Company may be made, from time to time, by the Directors for the time being; of which calls, sixty days' notice shall be given to the Stockholders, by an advertisement inserted three times in some newspaper published in the said City of Quebec: Provided always, that no such call upon the amount subscribed for shall be made within fifteen days of any previous call, nor exceed ten per centum on the whole capital, nor become payable in less than sixty days after notice thereof has been given; Provided also, that the said Directors shall not commence the construction of the said Harbour, Wharves, Docks or Railway, until ten per centum upon the capital stock of the said Company shall have been paid in.

Proviso: calls to be made within fifteen days apart, &c.

Proviso: when the work may be commenced.

Shareholders refusing any calls upon Stock, to forfeit calls previously paid.

24. If any Stockholder shall neglect or refuse to pay any such call or calls as shall be lawfully made as aforesaid, upon any shares, such Stockholder so refusing or neglecting shall forfeit such shares, with any amount which shall have been previously paid thereon, and the said shares may be sold by the said Directors; and the sum arising therefrom, together with the amount previously paid in, shall be accounted for and applied

applied in like manner as other moneys of the said Company; Provided always, that the purchaser shall pay the said Company the amount of the calls due thereon, in addition to the price of the shares so purchased by him, immediately after the sale, and before he shall be entitled to the certificate of the transfer of such shares so purchased as aforesaid; and shall hold the shares so purchased, subject to all future calls thereon; Provided also, that sixty days' notice of the sale of such forfeited shares shall be given, in the same manner as is hereinbefore provided for notice of calls, and that the instalments due and the costs incurred in advertising the sale, may be received in redemption of any such forfeited shares, at any time before the day appointed for the sale thereof; And provided also, that nothing herein contained shall prevent the said Company from proceeding against any defaulter before any Court of Justice having cognizance thereof, to compel the payment of any call or calls in arrear, if they should see fit to do so.

Proviso: purchaser to pay the Company the amount due them, in addition to the price of the shares.

Sixty days' notice of the forfeiture to be given.

Proviso.

25. It shall be lawful for the said Corporation, from time to time, to borrow either in this Province or elsewhere, from any person or persons, or Company willing to lend the same, all such sum or sums of money not exceeding in all, at any one time, one half the paid up capital stock of the said Company, as they may find expedient; and to make the bonds, debentures or other securities they shall grant for the sums so borrowed, payable either in currency or in sterling, and in sums not less than one hundred pounds, with interest, and at such place or places within or without this Province, as they may deem advisable, and such bonds, debentures or other securities may be made payable to bearer, or transferable by simple endorsement, or otherwise, and such bonds or debentures shall, upon enregistration in the Registry office of the County wherein the said harbour and works are situate, constitute and be a mortgage and hypothèque, ranking according to the date of such enregistration, by special privilege, upon all the property, real and personal, of the said Company, including the revenues, rates, tolls, dues and duties thereof.

The Company to have power to borrow any sum or sums of money not exceeding at one time one half the paid up Stock.

26. At all meetings of the stockholders held in pursuance of this Act, whether the same be annual or special, every Stockholder shall be entitled to as many votes as he shall have shares in the said stock, and such vote or votes may be given in person or by proxy; and all questions proposed or submitted for the consideration of the said meetings, shall be finally determined by the majority of the votes of the stockholders present, in person or by proxy, except in any case or cases otherwise provided for by this Act; and provided also, that no person shall be entitled to vote as proxy at any meeting, unless he shall be a Stockholder in the said Corporation, and produce written authority as such proxy.

Proportion of votes to shares.

Votes by proxy.

Majority to decide.

Proviso.

Beyond what extent Stockholders shall not be liable.

27. No Stockholder in the said Corporation shall be in any manner whatsoever, liable for or charged with the payment of any debt or demand due by the said Corporation beyond the amount remaining unpaid of his, her or their subscribed share or shares in the capital stock of the said Corporation.

Issue of new Stock, in certain shares, in case of increase of Stock.

28. If at any future period the said sum of one hundred thousand pounds shall be found insufficient for the purposes of this Act, it shall be lawful for the said company to increase their capital stock by a further sum not exceeding two hundred and fifty thousand pounds currency, subscribed either among themselves or by the admission of new Stockholders, such new stock being divided into shares of one hundred pounds each; Provided always, that such increase of stock be decided upon and ordered by a majority of the Stockholders in value in the said company, present in person or by proxy, at a meeting held for the purpose.

Proviso.

Interpretation of clause.

29. All words herein, importing the singular number, or the masculine gender only, shall extend to more than one person, party or thing, and to females as well as males; and the word "Stockholders" shall include the heirs, executors, administrators, curators, legatees or assigns of the said Stockholders, or any other party having the legal possession of any share whatever in his own name, or that of any other, unless the context shall be inconsistent with such construction; and whenever power is by this Act given to do any thing, power shall be intended also to do all things which may be necessary to the doing of such things; and generally, all words and clauses herein shall receive such liberal and fair construction as will best answer the carrying into effect of this Act, according to its true intent and spirit: the words, "By-laws," "vessels," "goods," and "dues," in the provisions of this Act, shall severally be construed to mean, and shall mean as follows: The word "By-laws" shall include and mean all By-laws, rules, orders and regulations made by the said Corporation; the words "vessel" or "vessels" shall mean and include all ships, vessels, boats, barges, steam-boats, scows, rafts and floating craft whatsoever; the word "goods" shall mean and include all merchandize, produce, animals, articles and things whatsoever landed from a vessel, or deposited on the wharves for the purpose of being shipped or otherwise; the word "dues" shall mean and include all rates, duties and dues whatsoever imposed under this Act.

This Act not to affect the rights of Her Majesty, &c.

30. Nothing herein contained shall affect or be construed to affect in any manner or way whatever, the rights of Her Majesty, Her Heirs and Successors, or of any person or persons, or of any bodies politic, corporate or collegiate, except such only as are herein specially mentioned and affected.

Public Act.

31. This Act shall be deemed a Public Act.

SCHEDULE.

SCHEDULE

Of Tolls and charges authorized by this Act :

FOR MOORING.

Vessels under 100 tons, - - - - - - - - - -	per day,	2s. 6d.	per 100 tons.
" " 200 " - - - - - - - - - -	do.	2s. 0d.	" 100 "
" over 200 " and under 700 tons	do.	1s. 6d.	" 100 "
" 700 tons and upwards, - - - - - -	do.	1s. 3d.	" 100 "
Steamboats and Propellers, - - - - - - - -	do.	5s. 0d.	" 100 "
Ocean Steamers, - - - - - - - - - - - -	do.	2s. 6d.	" 100 "

FOR DISCHARGING AND LOADING.

BY STEAM CRANE OR OTHER MACHINERY.	Discharging at Wharf.	Loading from Wharf.	Wharfage, that is, use of Wharf while Goods are being landed or loaded.	Discharging or loading, to include Wharfage and Moorage of Vessel and all expenses.
	s. d.	s. d.	s. d.	s. d.
Flour or other produce reduced to weight of Flour, per barrel	0 1	0 1	0 0½	0 3
Grain, Salt, &c., per bushel	0 0½	0 0½	0 0½	0 1
Merchandise and other Goods, per ton of 2,000 lbs	1 3	1 3	0 6	2 6

FOR FORWARDING.

To include one month's Storage, effecting Insurance when ordered, Cartages, Receiving and Delivering, passing Custom House Entries, Securing Freights, Shipping by Steam Crane, forwarding Shipping Documents, Cooperage, Marking, &c., &c.

Flour and produce reduced to weight of Flour, per barrel, - -	£0	0	9
Grain, Salt, &c., per bushel, - - - - - - - - - - - - - - - - - -	0	0	2½
Merchandise and other Goods, per ton, of 2,000 lbs., - - - - -	0	7	6

FOR WAREHOUSING.

IN WAREHOUSE.	First Month.	Succeeding Months.
	s. d.	s. d.
Flour and Meal, per barrel	0 2	0 1
Pork and Beef, per barrel	0 3	0 1½
Ashes, per barrel	0 4	0 2
Butter, Lard, per keg	0 1½	0 0½
Grain, per bushel	0 1½	0 0½
Salt, per bushel	0 1½	0 0½
Liquors, Wines and Oils, per 100 gallons	2 6	0 6
Iron, per ton of 2,000 lbs	7 6	1 8
Merchandise and other goods, per ton of 2,000 lbs	5 0	1 8
IN OPEN SHEDS.		
Coals and Coke, per chaldron	1 3	0 2
Pig Iron and Iron Rails, per ton of 2,000 lbs	3 6	1 0
Bricks, per Mille	1 6	1 6

BOOMAGE AND STORAGE OF TIMBER.

RECEIVING.	For Landing.	For Piling.
	s. d.	s. d.
Staves—Standard, per Mille	10 0	10 0
" West India, per Mille	3 4	3 4
" Barrel, per Mille	2 6	2 6
Deals—per stand. hrd	2 6	2 6
Lathwood—per Cord	2 0	2 0
Oars and Handspikes, per 100 pieces	3 9	3 9

DELIVERING.	From the Bank.	From the Crib.
	s. d.	s. d.
Hardwood, per Ton	2 0	1 6
Pine—Red, per Ton	1 8	1 3
" White, per Ton	1 3	1 0
Deals, per stand. hrd	6 9	5 0
Staves—Standard, per Mille	21 0	16 6
" West India, per Mille	7 0	5 0
" Barrel, per Mille	5 0	4 0
Lathwood, per Cord	3 0	3 0
Oars and Handspikes, per 100 pieces	8 9	8 9

TIMBER WHEN IN RAFT OR HALF RAFT.

	First Month.	Second Month.	Third Month.	Fourth Month.	Fifth Month.	Sixth Month.
Hard Wood, per 1,000 feet	¼	⅛	⅛	⅛	⅛	Full
Pine, Red, " "	⅛	⅛	⅛	⅛	⅛	Tariff
" White, " "	⅛	⅛	⅛	⅛	⅛	Rates.

N. B.—When Rafts remain in after the 1st day of December, they will become subject to Ground Rent, and the full Tariff Scale will apply to them when delivered.

GROUND RENTS.

	Hardwood.	Pine.
Timber in Raft,	9d. per Ton.	6d. per Ton.
" Moulinette,	6d. " "	4d. " "
Staves, Standard, per Mille.		8s. 9d.
" West India, per Mille.		3s. 0d.
" Barrel, per Mille.		2s. 0d.
Deals, per stand. hrd.		2s. 0d.
Lathwood, per Cord,		1s. 6d.
Oars and Handspikes, per 100 pieces		2s. 0d.

N. B.—These charges will be due and payable on the 1st day of December of each year.

CAP. XXII.

An Act to incorporate the St. James' Club of Montreal.

[*Assented to 30th June*, 1858.]

Preamble.

WHEREAS an Association of persons hath existed since the month of May, one thousand eight hundred and fifty-seven, in the City of Montreal, in Lower Canada, under the name of the "St. James' Club of Montreal;" And whereas the persons composing such Association have by their Petition prayed that the said Association may be incorporated, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons incorporated.

1. The Honorable Peter McGill, the Honorable George Moffatt, the Honorable John Young, Sir William E. Logan, Knight, T. B. Anderson, H. W. Austin, J. C. Baker, Louis Beaudry, Strachan Bethune, John Boston, the Honorable Joseph Bourret, Tancrede Bouthillier, W. H. Bréhaut, John Brooke, H. A. Budden, Thomas Evans Blackwell, Alexander Campbell, John Carter, Robert Cassels, Henry Chapman, Alexander Clerk, J. B. A. Couillard, Thomas Cramp, W. B. Cumming, William Cunningham, C. J. Cusack, M. E. David, William Edmonstone, Herbert Elwell, Alexander McKenzie Forbes, E. S. Freer, George H. Frothingham, John Glennon, John Millar Grant, R. H. Hamilton, Theodore Hart, Augustus Heward, J. H. Joseph, Jesse Joseph, Thomas Kay, A. Kierzkowski, David Kinnear, Godfroi La Flamme, Rodolphe La Flamme, Guillaume La Mothe, W. B. Lambe, James Law, Robert Leckie, B. H. Le Moine, E. S. Leslie, Patrick Leslie, R. L. MacDonell, Doctor in Medicine, D. Lorn MacDougall, H. Lorn MacDougall, Henry McKay, J. G. Mackenzie, J. W. A. R. Masson, George Morgan Millar, James Mitchell, John Mitchell, Ogilvy Moffatt, George Moffatt, the younger, Alexander Molson, S. C. Monk, S. W. Monk, Robert Muir, William Murray, John Ogilvy, John Ostell, Turton Penn, O. Perrault de Linière, Edward Alexander Prentice, John Pratt, Lieut. Col. Pritchard, John Redpath, C. D. Roy, Euclide Roy, R. A. Rudiger, Francis Rufford, Thomas Ryan, William Sache, G. W. Simpson, Harrison Stephens, Romeo H. Stephens, Henry Thomas, David Torrance, R. S. Tylee, Joseph Walker, N. S. Whitney, D. Russ Wood, William Workman, Thomas Workman, Esquires, and such other persons as now are or hereafter shall become members of the said Association, shall be and are hereby declared to be a body politic and corporate in deed, and in name, by the name of the "St. James' Club of Montreal," and by that name shall have perpetual succession and a Common Seal, and shall have power from time to time to alter, renew, or change such Common Seal, at their pleasure; and shall by the same name from time to time, and at all

Corporate name and powers.

all times hereafter, be able and capable to purchase, acquire, hold, possess and enjoy, and to have, take and receive, to them and their successors, to and for the actual occupation of the said Corporation, any lands, tenements and hereditaments, and real and immoveable property and estate, situate, lying and being within the said City of Montreal, and the same to sell, alienate and dispose of, whensoever the said Corporation may deem it proper so to do; and by the same name shall and may be able and capable in law to sue and be sued, implead and be impleaded, answer and be answered unto, in any manner whatsoever; and the Constitution, Rules and Regulations now in force, touching the admission and expulsion of members, and the management and conduct generally of the affairs and concerns of the said Association, in so far as they may not be inconsistent with the laws of this Province, shall be the Constitution, Rules and Regulations of the said Corporation; Provided always that the said Corporation may from time to time alter, repeal and change such Constitution, Rules and Regulations, in the manner provided by the Constitution, Rules and Regulations of the said Corporation.

Real property limited.

By-laws of the present association to be those of the Corporation.

Proviso: as to alteration.

Transfer of property of the association to the Corporation.

2. All property and effects now owned by or held in trust for the said Association are hereby vested in the said Corporation, and shall be applied solely to the maintenance of the said Corporation.

Liability of Members.

3. Members of the said Corporation shall be liable for the debts thereof, as if the Association was unincorporated, but they shall not be sued except after *discussion* first had of the property and effects of the said Corporation.

Public Act.

4. This Act shall be deemed a Public Act.

CAP. XXIII.

An Act to authorize Henry Ruttan to surrender certain grants of Letters Patent, and to take a substitutional grant.

[*Assented to 30th June*, 1858.]

Preamble.

WHEREAS Henry Ruttan, of Cobourg, in the County of Northumberland, hath by his petition set forth, that he has, since the year 1845, taken out several patents for improvements, in the ventilation and warming of buildings, vessels, railroad cars and other apartments, and that the said patents, from the vagueness of the specifications and uncertainty of the claims, have become inoperative,—and that he has by means of much study and labor for a period of thirteen years and upwards, and the expenditure of more than three thousand pounds, succeeded in making improvements in the ventilation and warming of buildings and railroad cars in a cold climate, and

and is still engaged in prosecuting his enquiries and experiments in this branch of science, with the view of perfecting the work and placing it upon a philosophical and permanent basis, and which he believes will contribute largely to the health, comfort and economy of the public at large, and that the terms of his exclusive rights under the patents already granted to him are nearly expired, and that he has never as yet received any remuneration or derived any benefit from his labors,—and hath prayed to be allowed to surrender his present patents and to take out a new patent embracing all his improvements both in ventilation and in the machine for warming the ventilating air in cold weather, for a term of fourteen years from the passing of this Act, and renewable thereafter for seven years; And whereas it is reasonable and expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

The Governor may accept a surrender of former Patents and grant a new one embracing all subsequent improvements.

1. It shall and may be lawful for the Governor or administrator of the Government of this Province, to take a surrender of all the grants of letters patent heretofore granted to the said Henry Ruttan, upon the subjects of ventilation and warming, referred to in the schedule hereto, and to grant to him, his heirs or assigns, a new patent or patents embracing all his original inventions and discoveries, and his improvements thereon, both patented and unpatented, for the period of fourteen years from the passing of this Act, and renewable thereafter for seven years, in the same manner and with the same exclusive rights and privileges as patents are granted under the present law, for any discovery or invention, and as if the said original inventions or discoveries and improvements had not been known or used in this province, or had not been in public use or on sale in this province, with the consent or allowance of the said Henry Ruttan, at the time of his application for a patent under the provisions of this Act; any thing in the laws of this province relating to patents and inventions to the contrary notwithstanding.

Public Act.

2. This Act shall be deemed a Public Act.

SCHEDULE.

No. 210.—*2nd May*, 1846. The invention of a Furnace by which houses and other buildings may be heated by hot air, and which is called "a hot air generator."

No. 222.—*15th December*, 1846. The invention of a metal heater for houses and other buildings, and a "cooking range," and "hot air" and "vapour generator," &c., &c., &c.

No. 225.—*27th January*, 1847. The invention of a new description of stove called a "centre combustion and detached fire

fire chamber cooking range, and hot air and vapour generator," and also of the manner in which the cold air is introduced.

No. 244.—23*rd June*, 1848. The invention of the true philosophical principles upon which buildings may be ventilated, and also of machinery by which the ventilating air may be warmed, designated the "Canadian Ventilator."

No. 311.—31*st January*, 1851. The invention of a machine called a "ventilating stove," and also of the means by which the ventilating air may be made to circulate under a floor and between the joists.

CAP. XXIV.

An Act to amend the Law regulating the Inspection of Flour and Meal.

[*Assented to 24th July*, 1858.]

Preamble.

WHEREAS it is expedient to amend the Act of the Legislature of this Province passed in the Session thereof held in the nineteenth and twentieth years of Her Majesty's Reign, intituled, *An Act for the Inspection of Flour, Indian Meal and Oatmeal:* Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

19, 20 V. c. 87.

Sect. 15 amended—Inspector to weigh at least ten per cent. of all flour inspected;

And cause any deficiency to be made good.

Penalty for default.

1. In amendment of the fifteenth section of the said Act, it is hereby enacted, that it shall be the duty of each Inspector or Assistant Inspector, appointed under the said Act, to weigh such proportion of every lot of Flour or Meal offered for Inspection (being not less than ten per cent. of each lot) as shall be necessary to verify whether the contents come up to the weight required by Law; and should such lot, or any part thereof, be deficient in legal weight, then he shall make or cause the deficiency to be made good by or at the expense of the owner thereof, so that each and every barrel shall contain the weight required by Law, and the Inspector or Assistant Inspector, shall, when required, certify the cost and expense thereby incurred; and every Inspector or Assistant Inspector who shall neglect to examine and weigh such Flour or Meal, and to cause the casks to be weighed in the manner required by this Act, shall, for every such neglect or refusal, forfeit the sum of Twenty Pounds currency, and shall be liable to make good all damages which any buyer or seller of such Flour or Meal may suffer in consequence of such refusal or neglect.

2. And in amendment of the third section of the said Act, it is hereby enacted, that—

Boards of Examiners in

1. Hereafter, the Boards of Examiners of Applicants for the office of Inspector of Flour and Meal, in each of the Cities of Quebec,

Quebec, Montreal, Toronto, Kingston and Hamilton, respectively, shall consist of five fit, proper and skilful persons, resident in or in the immediate vicinity of the City for which they are respectively to act; certain cities, how constituted hereafter.

2. The members of the present Board of Examiners for each of the said Cities, shall go out of office on the passing of this Act; Present members to retire.

3. Within thirty days after the passing of this Act, the Council of the Board of Trade for each of the said Cities shall appoint five persons, qualified as aforesaid, to be the Board of Examiners as aforesaid, for the City for which such Board of Trade is appointed; and the persons so appointed shall respectively take the oath of office prescribed by the said third section before the President or Vice President of such Board of Trade, who shall administer the same; Boards of Trade to appoint others.

4. The Examiners so appointed shall hold their office until the thirtieth day of April next after their appointment, and shall then go out of office, but shall be eligible for re-appointment; Term of office

5. On or so soon as may be after the tenth day of April, and before the twenty-fifth day of the same month, in each year, the Council of the Board of Trade, in each of the said Cities, shall appoint five persons to constitute the Board of Examiners for the City, for the year commencing on the first day of May then next, and ending on the thirtieth of April, in the then next year; and such Examiners shall take the said oath of office before the President or Vice President of such Board of Trade; Annual appointment of examiners. Oath of office.

6. The said Examiners shall not be removeable by the Council of the Board of Trade by which they are appointed, but in case of vacancy by the death or the removal of any Examiner beyond the immediate vicinity of the City for which he is appointed, the Council of the Board of Trade for such City may appoint another in his stead, to hold office until the thirtieth day of April then next, and the person so appointed shall take the oath of office before the President or Vice President of such Board of Trade: and in the event of the temporary absence or inability of any such Examiner, from sickness or interest in any matter in which an Examiner is required to act, the Council of the Board of Trade may appoint another to hold office and act during such absence only, and he shall take the oath of office before the President or Vice President of the said Board of Trade. Not to be removeable. Vacancies how to be filled. Temporary absence, &c.

7. And in amendment of the twenty-fourth section of the said Act, Be it enacted, That whenever any of the samples of the several qualities of Flour and Meal referred to in the said section, Sect. 24 of 19, 20 V. c 87, amended.

New samples as standards to be approved by Board of Examiners, &c.

Samples removeable, only at certain periods.

section, and provided by the Inspector at any one of the Cities aforesaid, shall require to be renewed, the new sample or samples to be provided by the Inspector and referred to by him for his government in inspecting Flour and Meal, shall be such and such only as shall be approved by a majority of the Board of Examiners of the City, as truly representing the standard approved by the Board of Trade for the same; and the Board of Trade for any of the said Cities shall not renew the samples of any quality of Flour or Meal, except only between the fifteenth day of August and the fifteenth day of September in any year.

Sect. 17 of 19, 20 V. c. 87, amended.

Provision for settlement of disputes between the owner of Flour and the Inspector.

4. And in amendment of the seventeenth section of the said Act, Be it enacted, That if any dispute shall arise between the Inspector or Assistant Inspector for any of the said Cities and the proprietor or possessor of Flour or Meal, with regard to the quality or condition thereof or relating in any respect to the same, such dispute shall not be decided in the manner provided by the said section, but, upon application by either of the parties in difference, to the Secretary of the Board of Trade for the City where the dispute has arisen, the said Secretary shall forthwith summon a meeting of the Board of Examiners for the said City, who, or not less than three of them, shall immediately examine such Flour or Meal and report their opinion of the quality and condition thereof, and their determination, or that of a majority of them, made in writing, shall be final and conclusive, whether approving or disapproving the judgment of the Inspector or Assistant Inspector, who shall immediately attend and conform himself thereto, and shall brand or paint, or cause to be branded or painted, each and every barrel or half-barrel, of the quality and condition directed by the determination aforesaid; And if the opinion of the Inspector or Assistant Inspector be thereby confirmed, the reasonable costs and charges of re-examination, according to the rates allowed by the Board of Trade for the City, shall be taxed by the Secretary of the Board of Trade and paid by the proprietor or possessor of such Flour or Meal, and, if otherwise, by the Inspector, with all damages; And the Council of the Board of Trade for each of the said Cities shall, from time to time, make a Tariff of the fees and charges allowed for such re-examination and all services and matters connected therewith, and may also establish rules and regulations for the government of the Board of Examiners.

Costs.

Board of Trade to make a Tariff, and

Regulations.

Bill of Inspection to contain certain particulars.

5. The Certificate or Bill of Inspection furnished by the Inspector, in accordance with the fourteenth section of the said Act, shall specify, in addition to the matters thereby required, the gross quantity of Flour or Meal taken by the instrument used for the purpose of inspection from the lot in respect of which such Inspection Bill is given.

6. Nothing in this Act shall affect any security Bond given by any Inspector or Assistant Inspector, or the liability of the parties signing such Bonds, or any of them, unless such parties give notice in writing to the person having the custody of the respective Bonds, within fifteen days after this Act comes into force, of his or their intention to withdraw; and in that case the Inspector or Assistant Inspector whose surety or sureties are so withdrawn, shall be bound, forthwith, to furnish other good and sufficient sureties in lieu of those so withdrawing; and all the provisions of the said Act hereby amended relating to providing security, or regulating the nature, execution, form, effect and custody of the security, or which prohibit the Inspector or Assistant Inspector from acting before giving security, or any of the said provisions which may otherwise apply to the security, are, in the case of withdrawal provided for by this section, declared to apply to the new security which is hereby authorized to be given.

Security bond not to be affected, unless sureties are withdrawn within a certain time after the passing of this Act.

Provisions of the said Act to apply.

7. This Act shall be construed as one Act with the Act hereby amended, all the provisions whereof, as to the recovery and application of penalties or forfeitures incurred under it, shall apply to those imposed by this Act.

Interpretation of this Act.

CAP. XXV.

An Act to consolidate the laws relating to the Inspection of Fish and Oil in Upper and Lower Canada.

[*Assented to 24th July*, 1858.]

WHEREAS it is expedient to amend and consolidate the laws relative to the Inspection of Fish and Oil, and for the better regulating the curing and packing of Fish: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The Act of the Legislature of Lower Canada, second Victoria, chapter sixty-five,—the Act of the Legislature of this Province, thirteenth and fourteenth Victoria, chapter forty-three, and the Act of the Legislature of Upper Canada, third Victoria, chapter twenty-four, are hereby repealed.

Certain Acts repealed.

2 V. c. 65—13, 14 V, c. 43,—3 V. c. 24.

2. It shall be lawful for the Governor in Council to appoint Inspectors of Fish and Oil in the Districts of Quebec and Montreal, in the Counties of Gaspé and Bonaventure and in the Magdalen Islands, respectively, and also in such Counties, Districts and localities respectively, in Upper and Lower Canada, as may be deemed most conducive to the interests and wants of each section of the Province; and to make from time to time all and every regulation that may be necessary, for better carrying out the provisions of this Act: and every such regulation, being

Appointment of Inspectors; and making regulations.

Regulations to

be published in Canada Gazette.

being published in the *Canada Gazette*, shall, so far as it may not be inconsistent with this Act or with law, have the same effect as if it were inserted in this Act.

Inspector to give security, and take an oath of office.

3. Each person so appointed an Inspector of Fish and Oil, shall, before entering upon the duties of his office, give security to the satisfaction of the Governor in Council, in the sum of one hundred pounds currency, for the due performance of his said duties, and shall take and subscribe the following oath before one of the justices of the peace for the district or county in which he may have been appointed to act

The oath.

"I, A. B., Inspector of Fish and Oil, in and for the City or "County (*or as the case may be*) of , do solemnly "swear, that to the best of my judgment, skill and understand- "ing, I will faithfully, honestly and impartially fulfil, execute "and perform the office and duty of such Inspector, according "to the true intent and meaning of the Act, &c." (*insert the title of this Act.*)

Where to be kept.

Certificate and fee.

And the Magistrate shall cause the said oath to be filed with and kept by the Clerk of the Peace for the District or County where the Inspector may have been appointed, and the Clerk of the Peace, if so required, shall furnish a certificate thereof to the Inspector taking the same, on payment of two shillings and six pence, currency.

Inspector to have branding irons, &c.

4. Each Inspector appointed under the authority of this Act, shall provide himself with sufficient branding irons, for the purpose of branding such casks and boxes as may by him be inspected in pursuance of this Act.

What quality of fish only shall be branded as merchantable.

5. It shall be the duty of each such Inspector to see that all Salmon, Mackerel, Shad, Herring, and all kinds of split, whole, dried, pickled or salted fish, of any kind, intended for barrelling and submitted to him for inspection, have been well struck with salt or pickle, in the first instance, and preserved sweet, free from taint, rust, oil and damage of every kind; and no other fish shall be branded by him as inspected and merchantable.

How certain kinds of fish must be packed.

6. No fish of the description hereinabove mentioned, intended for exportation, shall be branded as inspected and merchantable, unless it be well and properly packed in good, tight and substantial tierces, half tierces, barrels or half barrels; nor shall any pickled or salted Salmon be so branded, except in tierces containing three hundred pounds, exclusive of salt and pickle, or in half tierces containing one hundred and fifty pounds, exclusive of salt and pickle, or in barrels containing two hundred pounds, exclusive of salt and pickle, or in half barrels containing one hundred pounds, exclusive of salt and pickle, avoir-du-poise weight, nor shall any other pickled or salted fish be so branded, if packed in barrels containing less than twenty-eight gallons or in half barrels less than fourteen gallons wine measure.

7.

7. Nothing contained in the foregoing sections shall prevent the branding of casks containing any small fish usually packed whole, provided the same shall have been fully packed, close, edgewise, and properly salted with good coarse wholesome dry salt, in quantity sufficient only for their due preservation. Casks containing small fish packed whole.

8. No red and smoked herrings shall be so branded, unless they be well and sufficiently cured and saved, and carefully and properly packed in good and substantial barrels, half barrels, kegs or boxes, and each box of herrings shall weigh at least twenty-five pounds. How herrings must be packed.

9. It shall be the duty of each Inspector, when called upon to inspect any fish of the description above mentioned, carefully and attentively to examine each and every cask or box submitted to him for inspection; and if such fish be of a good quality, in wholesome pickle and clean salt, and in every way in good order, free from taint, rust, oil and damage, well and properly packed in good, tight and substantial tierces, half tierces, barrels or half barrels, kegs or boxes as hereinabove provided, the Inspector shall brand on the heads or butts of each cask or box so by him inspected, in large and legible letters, the words *Salmon*, *Mackerel* or *Herrings*, (as the case may be,) *Quebec* or *Montreal*, (or as the case may be,) *Inspected Merchantable*, *No.* 1; and such as shall be found of an inferior or second quality, or carelessly or badly packed, or in insufficient casks, kegs or boxes, or not in every respect as hereinabove required, shall by such Inspector be branded forthwith on the head or butt of the cask, keg or box with the words "*Inspected No 2*," and the third quality of fish shall be marked "*Inferior No. 3*;" and the name of the Inspector, and the place, year and month of inspection, shall be marked on the package in all cases of inspection. And if it shall appear to the Inspector that a part of the fish inspected by him, is sound and a part unsound, he shall separate the sound from the unsound, repack the sound fish, and brand it according to its quality, and such portion as the inspector shall judge not capable of preservation, he shall condemn as bad. What quality of fish shall be branded as merchantable No. 1; And what as merchantable No. 2; And what as inferior No. 3. Sound and unsound fish to be separated, &c.

10. If any Inspector shall find fish of two or more kinds or qualities intermixed in the same cask, although the same may be well cured and otherwise in good order, it shall be his duty to brand upon such cask the words "*Inspected, Mixed*," both in large and legible characters. Mixed fish to be marked as such.

11. Each of the said Inspectors shall in like manner, when called upon, carefully inspect all the sorts of oil hereinafter mentioned, and shall paint on the head of the casks in which such oil may be contained the words *Seal Oil*, *Whale Oil*, (as the case may be,) and with the name of the Inspector, the place, with the contents and *outs* of each cask. Inspection of oil to be made in like manner.

12.

Penalty on Inspector branding without inspecting, or lending his brands, &c.

12. If any Inspector shall brand any cask, keg or box of any description of fish or oil mentioned in this Act, the contents of which he has not inspected according to the true intent and meaning of this Act, or if he shall knowingly permit any other person or persons to use his brands, he shall, on being thereof convicted, incur a penalty of twenty shillings currency, for each cask, keg or box so branded, contrary to the provisions of this Act, and shall forthwith be removed from office.

Penalty on persons fraudulently effacing or impressing brand, &c.

Penalty.

13. Any person, other than an Inspector appointed under this Act, who shall wilfully efface or obliterate, or cause to be effaced or obliterated, from any cask, keg or box, having undergone inspection, all or any of the brands or marks thereupon imprinted or branded by any Inspector, or shall fraudulently impress or brand upon any cask, keg or box, any of the brands or marks by this Act required to be branded on casks, kegs or boxes containing fish or oil so inspected as aforesaid, or shall empty any cask, keg or box already branded, in order to put other fish or oil therein for sale or exportation, shall, on conviction for each such offence, incur a penalty not exceeding twenty pounds currency.

Inspectors not to deal in fish or oil.

14. It shall not be lawful for any Inspector appointed under the authority of this Act, to trade in, buy or sell directly or indirectly (otherwise than for the consumption of himself and family,) fish or oil of any kind or description to which this Act relates, under the penalty of twenty-five pounds currency, for each act of contravention or disobedience of the provisions of this section, and on pain of being dismissed from office.

Fees to Inspectors for services under this Act.

15. Each Inspector to be appointed under the authority of this Act, shall, for the services which may be by him performed as such, be entitled to the following rates or allowances from the persons employing him, and no more, that is to say:

1. For each tierce of salmon, salmon-trout or sea-trout inspected and branded, one shilling and three pence currency;

2. For each half tierce of salmon, salmon-trout or sea-trout so inspected and branded, seven pence and a half penny currency;

3. For each barrel of salmon, salmon-trout or sea-trout inspected and branded, seven pence and a half penny currency;

4. For each half barrel of salmon, salmon-trout or sea-trout so inspected and branded, six pence currency;

5. For each tierce of mackerel inspected and branded, one shilling and three pence currency;

6. For each half tierce of mackerel so inspected and branded, seven pence and a half penny currency;

7. For each barrel of mackerel inspected and branded, seven pence and a half penny currency;

8. For each half barrel of mackerel so inspected and branded, six pence currency;

9. For each tierce of herring inspected and branded, one shilling and three pence currency;

10. For each half tierce of herring so inspected and branded, seven pence and a half penny currency;

11. For each barrel of herring inspected and branded, seven pence and a half penny currency;

12. For each half barrel of herring so inspected and branded, six pence currency;

13. For each tierce of shad inspected and branded, one shilling and three pence currency;

14. For each half tierce of shad so inspected and branded, seven pence and a half penny currency;

15. For each barrel of shad inspected and branded, seven pence and a half penny currency;

16. For each half barrel of shad so inspected and branded, six pence currency;

17. For each tierce of white fish so branded and inspected, one shilling and three pence currency;

18. For each half tierce of white fish so branded and inspected, seven pence and a half penny currency;

19. For each barrel of white fish so branded and inspected, seven pence and a half penny currency;

20. For each half barrel of white fish so branded and inspected, six pence currency;

21. For each box of herring, one penny;

22. For each cask of oil containing twenty-eight gallons inspected and branded, one shilling currency;

23. For each tierce of oil, one shilling and one penny currency;

24.

24. For each hogshead of oil, one shilling and three pence currency;

25. And for each puncheon of oil, one shilling and three pence currency;

Expense of cooperage, &c., to be allowed extra.

26. And all such rates and allowances shall be over and above the expense of cooperage, and washing, cleaning and repacking any salmon or fish, which such inspector may incur in the due and faithful execution of his duty.

Allowance for liming heads of barrels.

27. And for liming or white-washing with lime the heads or butts of any vessel of any description containing oil, the Inspector having performed such duty shall be entitled to two pence currency.

Dry or green codfish may be inspected.

16. Nothing in this Act shall prevent any dry or green codfish from being inspected, or the Inspector from giving a certificate stating the quantity and quality thereof, inspected and shipped on board of any vessel, and for each quintal so inspected and branded, he shall receive one penny, and for each draft of green fish, one penny currency.

Owner of fish or oil may employ his own cooper, under superintendence of Inspector.

17. It shall be lawful for any person causing his fish or oil to be inspected, to employ at his own cost and charges, a cooper to attend upon and assist the Inspector in the performance of his duty, in which case the Inspector shall not be allowed any charge for cooperage, and the cooper so employed shall be governed and guided solely by the directions which he shall receive from the inspector, with respect to any fish or oil by him inspected, and not by any other person whomsoever.

Differences between Inspector and Owner of fish, &c., how settled.

18. In case of any dispute between any Inspector and his Employer, reference shall be had to another Inspector, and his decision shall be final, and should the opinion of the Inspector be sustained, the expence incurred shall be paid by the owner of the fish, but if otherwise, then the Inspector shall pay the cost incurred by the arbitration.

Proper timber for fish casks.

19. All casks that are used for the packing of salmon, herring, mackerel, salmon, salmon-trout, white fish or shad, or any other kinds of fish, shall be made of good sound wood, of cedar, pine, spruce, fir or hardwood, and each barrel or cask, if of soft wood, shall have a hardwood bung stave.

Application of fines, &c.

20. One moiety of the pecuniary fines and of the forfeitures under this Act, shall belong to Her Majesty, and the other moiety to the complainant.

Limitation of actions.

21. All penalties incurred under this Act must be sued for within three months from the commission of the offence.

22.

Imprisonment for non-payment of fine.

22. Any offender who shall not forthwith pay the fine and costs he may have been condemned to pay, shall be committed to Gaol for a term of not less than one month, nor more than six months, at the discretion of the Magistrate before whom the offender may have been convicted.

Recovery of penalties, &c.

23. Every penalty or forfeiture imposed by this Act or the regulations to be made under it, may be recovered on complaint before the Superintendent of fisheries, or any Stipendiary or other Magistrate, in a summary manner, and the proceedings and the costs to be recovered shall be the same as is provided by law in either Section of the Province in other cases where summary jurisdiction is given to Magistrates.

Annual returns by Inspectors.

24. Each Inspector of Fish shall annually, on or before the first day of January in each year, make a return to the Commissioner of Public Lands or to the Superintendent of Fisheries, shewing the quantity of fish inspected by him, and the names of the owners of the said fish, together with the quality and species thereof respectively.

CAP. XXVI.

An Act to provide for the Inspection of Sole Leather.

[*Assented to 24th June*, 1858.]

Preamble.

WHEREAS it is expedient to provide for the Inspection of Sole Leather in this Province: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Examiners of applicants for the office of Inspector to be appointed.

1. It shall be lawful for the Boards of Trade of the Cities of Montreal and Toronto each to appoint a Board of Examiners of Applicants for the office of Inspector of Sole Leather, and from time to time to remove such Examiners and appoint others in their stead, and each of such Boards of Examiners shall consist of five persons of experience and practice in the manufacture, or acquainted with the qualities of Leather; and such Examiners shall, before acting as such, severally take and subscribe the oath contained in the Form A to this Act annexed.

Inspectors to be appointed on requisition.

2. It shall be lawful for the Governor in Council, upon the receipt of any requisition signed by not less than ten persons engaged in the manufacture or consumption of Sole Leather in any incorporated City or Town in this Province, setting forth the necessity of the appointment of an Inspector of Sole Leather in such City or Town, to nominate and appoint an Inspector of Sole Leather for the said City or Town, and from time to time to remove the said Inspector and appoint another in his stead; but no person shall be appointed an Inspector of Sole Leather who shall

From among persons who

have passed examination.

shall not, previous to his appointment, have passed an examination before one of the said Boards of Examiners, and obtained a certificate as to his fitness, character and capacity.

Inspectors to give security, and to be sworn.

3. Every Inspector before acting as such shall furnish two good and sufficient sureties jointly and severally with himself for the due performance of the duties of his office, in the sum of one thousand dollars, to be approved by the chief Municipal Officer of the City or Town for which he shall have been appointed, in a Bond to be executed to Her Majesty, Her Heirs and Successors, and such Bond shall avail to the Crown, and to all persons whomsoever who shall or may be aggrieved by any breach of the conditions thereof; and every Inspector before acting as such shall take and subscribe the following Oath before the chief Municipal Officer of the City or Town for which he shall be appointed, who is hereby required to administer the same:

Oath of Inspector.

"I, A. B., do solemnly swear that I will faithfully, truly and "impartially, to the best of my judgment, skill, and understanding, do and perform the office and duty of an Inspector of "Sole Leather, and that I will not directly or indirectly, by myself, or by any other person or persons whomsoever, trade or "deal in Leather, or be connected in any such trade, or purchase any Leather of any description, otherwise than for the "use of my family, during the time I shall continue such Inspector. So help me God."

Inspector may appoint Assistants.

4. Any such Inspector of Sole Leather shall and may appoint one or as many more Assistants as he may from time to time require, or be required to appoint by the Board of Trade of the City for which he is appointed, for the acts of which Assistant or Assistants he shall be and is hereby declared to be responsible, and each such Assistant shall take and subscribe the following Oath before the Mayor, or Chief Municipal Officer of the City or Town for which he shall be appointed, who is hereby required to administer the same:

Oath of Assistant.

"I, A. B., do swear that I will diligently, faithfully and impartially, perform the duties of the office of Assistant to the "Inspector of Sole Leather for , and that I "will not directly or indirectly, myself or by any other person "or persons whomsoever, trade or deal in Leather, or be connected in any such trade, or purchase any Leather of any "description, otherwise than for the use of my family, during "the time that I shall continue such Assistant Inspector. So "help me God."

Oath to be recorded.

5. Every Oath taken and every Bond made or executed by any such Inspector, and every Oath taken by any such Assistant Inspector, shall be recorded at the office of the Chief Municipal Officer of the place for which such Inspector or Assistant Inspector

Inspector shall be appointed; and every person shall be entitled to have communication and copy of any such Oath or Bond, upon payment to the Treasurer of the Municipality of twenty cents, for every communication, and fifty cents, for each copy. Fees for copy, &c.

6. Every such Assistant Inspector shall respectively be paid by, and shall hold his office at the pleasure of the Inspector, and may be removed or re-installed, or others may be appointed in his stead by such Inspector. Assistant to be paid by Inspector.

7. Every Inspector or Assistant Inspector so nominated and appointed, may examine and inspect any side or piece of Leather on application being made to him for that purpose by the proprietor or possessor thereof, and ascertain the respective weight, qualities and conditions thereof. Inspector must inspect on application.

8. Such Inspection may be made either at the store, shop or warehouse of such Inspector, which he is hereby required to keep in a convenient situation for that purpose, or at some store within the limits of the place for which the Inspector shall be appointed, respectively, at the option of the proprietor or possessor of such Leather, and when such Inspection shall be made at the store of the said Inspector, there shall be no charge for storage till twenty-four hours after the Leather has been inspected, but all trouble and expense attendant upon the loading, unloading and moving the said Leather shall be at the cost of the person at whose request the said Leather has been inspected. Where inspection may be made—as to charges.

9. Each Inspector or Assistant Inspector, shall provide and have a sufficient number of brands or marking instruments, wherewith he shall brand or mark, or cause to be branded or marked immediately after inspection, on each side or piece of Leather, the name of the place of inspection, as the case may be, and the initials of the name of the Inspector, with the name or kind of the Leather and the weight and quality thereof as hereinafter directed; and on each side or piece which may be found to be of a damaged or unmerchantable quality, the Inspector or Assistant Inspector shall brand or cause to be branded the word "Rejected" or "Damaged" in letters as large as those upon the rest of the brand or inspection mark. How inspected leather is to be marked. Damaged leather to be marked as such.

10. All brand marks shall be neat and legible, and shall be made at one end of the leather within a space not exceeding two inches long by one inch and a half broad. Brand marks.

11. Every kind of sole leather shall be divided as to its quality into three classes, to be known as Number One, Number Two, and Number Three; and such leather as is ordinarily distinguished among dealers by its comparative weight, shall also be divided into three classes, to be known as *heavy*, *middling*, and *light* Classification of sole leather.

weight; every piece or side of leather under fourteen pounds weight shall be considered *light*, every piece or side of leather of fourteen pounds weight and under twenty pounds weight shall be considered *middling*, and every piece or side of leather of twenty pounds weight and over shall be considered *heavy* or *over weight*.

Qualities to be marked.

12. Leather of the first, second or third quality shall be marked or branded respectively by the figures 1, 2 or 3.

How the mark or brand shall be affixed.

13. The brand or mark to be used by every Inspector or Assistant Inspector of Leather, may be affixed by stamping, or by any other process rendering such brand or mark indelible, and every such brand or mark, so far as circumstances will permit, shall be in the form B to this Act annexed, or to the like effect.

Remuneration of Inspector.

14. For every side or piece of sole leather so inspected every Inspector shall be entitled to demand and receive from the party requiring the inspection of the same, the sum of two cents.

Disputes between owners of leather and Inspectors, how to be settled.

15. If any dispute arise between an Inspector and the proprietor or possessor of any leather inspected by him or his assistant, with regard to the weight, quality or condition thereof, or relating in any respect to the same, upon application by either of the parties, to any Justice of the Peace at the place at which such Inspector shall reside, the said Justice of the Peace shall issue a summons to three persons of skill and integrity, one to be named by the Inspector, another by the proprietor or possessor of the leather, and the third by the Justice of the Peace, requiring the said three persons immediately to examine the said leather, and report under oath their opinion in writing of the weight, quality and condition thereof, and their decision, or that of the majority of them made shall be final and conclusive, whether approving or disapproving the judgment of the Inspector, who shall immediately attend and conform thereto, and brand or mark or cause to be branded or marked such leather, of the weight, quality or condition directed by the decision aforesaid; and if the opinion of the Inspector be thereby confirmed, the reasonable costs and charges of re-examination as ascertained and awarded by the said Justice of the Peace, shall be paid by the said proprietor or possessor of the leather, or if otherwise by the Inspector; Provided always that no Inspector shall be liable for costs or damages for any deficiency or excess in the weight of such leather, unless such deficiency or excess in the weight exceed five per cent of the whole weight of the said leather.

Proviso: as to costs.

16.

Boards of Trade to examine into complaints against Inspector.

16. The Board of Trade of any City or Town may examine into any complaints made against any Inspector for neglect or improper performance of his duties, and if they shall decide that such complaints are well founded, and that such Inspector ought to be removed from office, they may notify such decision to the Governor in Council, who shall thereupon remove such Inspector from his office and appoint another in his stead, as provided in section one of this Act.

Penalty on Inspector for refusing or neglecting to inspect.

17. Any Inspector or Assistant Inspector so nominated or appointed who shall refuse or neglect, on application to him personally made, or by writing left at his dwelling house, store, office or warehouse on any lawful day between sun-rise and sun-set, by any proprietor or possessor of Leather, (such Inspector or Assistant Inspector not being at the time of such application employed in inspecting leather,) immediately, or within two hours thereafter, to proceed to such inspection, shall for every such neglect or refusal, forfeit and pay to such person so applying, on conviction thereof, on the oath of one credible witness, other than the informer, the sum of twenty dollars over and above all the damages occasioned by such refusal or neglect to the party complaining.

Inspectors not to deal in leather.

Penalty.

18. No Inspector or Assistant Inspector shall directly or indirectly trade or deal in Leather, or be concerned in any such trade, or purchase any Leather of any description, otherwise than for the use of his own family, under the penalty of forty dollars, for each and every such offence, and of being immediately removed from the office, and of being disqualified from holding such office in future.

Penalty for effacing or imitating Inspector's marks.

19. Any person who shall with fraudulent intentions, efface or cause to be effaced from any side or piece of Leather having undergone inspection, all or any of the Inspector's marks, or shall counterfeit any such mark or marks, or impress or brand any mark purporting to be the mark of the Inspector, either with the proper marking tools of such Inspector, or with counterfeit representations thereof on any side or piece of Leather, or (not being an Inspector, appointed under this Act) shall brand or mark any Leather with the Inspector's mark or any part thereof, or shall connive at or be privy to any fraudulent evasions of the provisions of this Act, shall, for every such offence respectively, incur a penalty of forty dollars; and any Inspector who shall inspect or brand or mark any Leather out of the limits for which he shall be appointed, or shall hire out his marks to any person whatsoever, or shall connive at or be privy to any fraudulent evasion or inspection of Leather by others, shall for each such offence incur a penalty of forty dollars, and be immediately removed from his office, and be disqualified from holding such office in future.

And on Inspectors acting out of their limits, or lending out their brands.

Recovery and application of penalties.

20. All penalties imposed by this Act, shall be recoverable by the Inspector or by any other person suing for the same, in a summary way before any Justice of the Peace, and the moiety of all fines (except as hereinbefore otherwise applied) shall be paid to the Treasurer of the City, Town, or Place where the offence was committed, for the public uses of the Corporation thereof, and the other moiety shall belong to and be paid to the person who shall sue for the same: Provided always that if an Officer of the Corporation of such place be the prosecutor, the whole penalty shall belong to the Corporation for the uses aforesaid.

Proviso.

Limitation of suits.

21. No suit or prosecution for any pecuniary penalty incurred under this Act, for any offence against its provisions shall be commenced after the expiration of six months after the commission of the offence.

Inspection not compulsory.

22. Nothing in this Act shall be construed to oblige any person to cause any Sole Leather to be inspected, but if inspected it shall be subject to the provisions of this Act, and shall not be marked or branded as inspected, unless the said provisions have been in all respects complied with as regards such Leather.

FORM A.

"I, A. B., do solemnly swear, that I will not directly or "indirectly, personally or by means of any person on my be- "half, receive any fee, reward or gratuity whatever by reason "of any function of my office as Examiner, and that I will "therein well and truly in all things act without partiality, "favour or affection and to the best of my understanding "So help me God."

FORM B.

Montreal, 1858.

No. 1.—Good.

18½ J. B. Ins.

FORM B.

Toronto, 1858.

No. 2.—Rejected.

14¾ J. B. Ins.

FORM B.

Quebec, 1859.

No. 3.—Damaged.

17 J. B Ins.

CAP. XXVII.

An Act to amend and extend the Act of 1857, for diminishing the expense and delay in the Administration of Criminal Justice in certain cases.

[*Assented to 24th July*, 1858.]

Preamble. 20 V. c. 27.

WHEREAS the powers of summary conviction given by Act twentieth Victoria, chapter twenty-seven, intituled, *An Act for diminishing expense and delay in the Administration of Criminal Justice in certain cases*, have been attended with great benefit, and it is expedient to extend them to certain other cases, and to amend the said Act so as to render its operation more direct and effective: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Powers of summary conviction under 20 V. c. 27, extended to certain cases.

1. The powers for the summary trial and conviction of persons charged with certain offences, vested in the Recorder of any City, by the first section of the said Act, are hereby extended to cases where any person is charged before such Recorder with having committed any of the following offences, that is to say:

Aggravated assaults.

1. With having committed an aggravated assault, by unlawfully and maliciously inflicting upon any other person, either *with or* without any weapon or instrument, any grievous bodily harm, or by unlawfully and maliciously cutting, stabbing or wounding any other person; or

Assaults on children or females of any age.

2. With having committed an assault upon any female whatever, or upon any male child whose age shall not in the opinion of such Recorder exceed fourteen years, such assault being of a nature which cannot in the opinion of the Recorder be sufficiently punished by a summary conviction before him under any other Act, and not amounting in his opinion to an assault with intent to commit a rape if such assault be on a female; or

Assaulting officers of justice.

3. With having assaulted any Magistrate, Bailiff, or Constable or other officer in the lawful performance of his duty, or with intent to prevent the performance thereof; or

Keeping or frequenting bawdy houses.

4. With keeping or being an inmate, or habitual frequenter of any disorderly house, house of ill-fame or bawdy house;

Provisions of sect. 1 of 20 V. c. 27 to apply—

And all the provisions of the said first section and of the other enactments of the said Act shall apply to the cases mentioned in *this* section, in so far as they are applicable to such cases, but subject to the provisions hereinafter made:

But subject to certain modification

2. The provisions of the said Act shall be subject to the following modifications, as applied to the cases mentioned in the next preceding section:

1.

Consent of party not requisite in certain cases.

1. The jurisdiction of the Recorder in the case of any person charged, within the Police limits of any City in this Province, with therein keeping or being an inmate or an habitual frequenter of any disorderly house, house of ill-fame or bawdy house, shall be absolute, and shall not depend on the consent of the party charged to be tried by such Recorder, nor shall such party be asked whether he consents to be so tried;

Nor in Quebec or Montreal, if the offender be a seafaring stranger.

2. The jurisdiction of the Recorder shall also be absolute in the case of any person charged, either within the City of Quebec as limited for the purposes of the Police Ordinance passed in the second year of Her Majesty's Reign, chapter two, or within the City of Montreal as so limited, with the commission therein of any other of the offences mentioned in the last preceding section, if such person be a seafaring person and only transiently in this Province, and have no permanent domicile therein, and such jurisdiction shall not depend on the consent of any such party to be tried by the Recorder, nor shall such party be asked whether he consents to be so tried;

Punishment in cases summarily tried under this Act.

3. If in any case summarily tried before him under this Act, the Recorder finds any charge mentioned in the next preceding section to be proved, he may convict the person charged and commit him to the Common Gaol or House of Correction, there to be imprisoned with or without hard labour for any period not exceeding six months, or condemn him to pay a fine not exceeding, with the costs in the case, one hundred dollars, or to both fine and imprisonment, not exceeding the said period and sum; and such fine may be levied by warrant of distress under the hand and seal of such Recorder, or the party convicted may be condemned (in addition to any other imprisonment on the same conviction) to be committed to the Common Gaol, for a further period not exceeding six months unless such fine be sooner paid;

Levying fine.

Imprisonment if not paid.

Forms in 20 V. c. 27 may be altered to suit this Act.

4. In such cases as aforesaid, the forms given in the Schedules to the said Act, shall be altered by omitting the words stating the consent of the party to be tried before the Recorder, and by adding the requisite words stating the fine imposed (if any) and the imprisonment (if any) to which the party convicted is to be subject if the fine be not sooner paid;

Recorder may send the case to be tried by a jury, &c.

5. In any such case, if the Recorder thinks it is one which ought to be made the subject of prosecution by indictment rather than to be disposed of summarily, he may deal with it as if this Act had not been passed, or if he thinks there are circumstances inexpedient to inflict punishment, he may dismiss it without proceeding to a conviction, as in the cases mentioned in the first section of the said Act;

Justices of the Peace may act

6. The powers of Justices of the Peace under the fifth and sixth sections of the said Act, and all the provisions of the said sections,

sections, shall extend to the cases to which the jurisdiction of the Recorder is extended by this Act. in such cases under 20 V. c. 27, ss. 5 & 6.

3. And whereas it is inconvenient that in the cases mentioned in the first section of the Act first above cited, or in cases to be summarily tried under this Act, the examinations of the witnesses for the prosecution should be completed before the person charged is asked whether he consents to be tried by the Recorder; therefore, the second section of the said Act is repealed, and the following is substituted therefor: Recital. Sect. 2 of 20 V. c. 27, repealed, and new section substituted.

"Whenever the Recorder before whom any person is charged under the first section of the said Act proposes to dispose of the case summarily under the provisions of the said first section, such Recorder, after ascertaining the nature and extent of the charge, but before the formal examination of the witnesses for the prosecution, and before calling on the party charged for any statement which he may wish to make, shall state to such person the substance of the charge against him, and shall then say to him these words, or words to the like effect: "Do you consent that the charge against you shall be tried by me, or do you desire that it shall be sent for trial by a Jury at the (*naming the Court at which it could so next be tried ;*)" and if the person charged shall consent to the charge being summarily tried and determined as aforesaid, then the Recorder shall reduce the charge into writing, and read the same to such person, and shall then ask him whether he is guilty or not of such charge; and if such person shall say that he is guilty, the Recorder shall then proceed to pass such sentence upon him as may by law be passed, subject to the provisions of this Act in respect to such offence; but if the person charged shall say that he is not guilty, the Recorder shall then examine the witnesses for the prosecution, and when the examination is completed, the Recorder shall inquire of the person charged whether he has any defence to make to such charge, and if he shall state that he has a defence, the Recorder shall hear such defence and shall then proceed to dispose of the case summarily." Accused party to be asked whether he consents to be tried summarily. If he consents to be so tried; And pleads guilty; And if he pleads not guilty.

4. It shall be lawful for any Recorder before whom any person is charged under the said Act as hereby amended, by summons to require the attendance of any person as a witness upon the hearing of the case at a time and place to be named in such summons; and such Recorder may bind by recognizance all persons whom he may consider necessary to be examined touching the matter of such charge, to attend at the time and place to be appointed by him, and then and there to give evidence upon the hearing of such charge; And in case any person so summoned or required or bound as aforesaid, shall neglect or refuse to attend in pursuance of such summons or recognizance, then upon proof being first made of such persons having been duly summoned as hereinafter mentioned, or bound Recorder may compel attendance of witnesses. Warrant may issue to compel attendance in certain cases.

bound by recognizance as aforesaid, it shall be lawful for the Recorder before whom such person ought to have attended, to issue a warrant to compel his appearance as a witness.

How any summons under this Act shall be served.

5. Every summons issued under this Act may be served by delivering a copy of the summons to the party summoned, or by delivering a copy of the summons to some inmate of such party's usual place of abode; and every person so required by any writing under the hand of any Recorder to attend and give evidence as aforesaid, shall be deemed to have been duly summoned.

Recital.

6. And inasmuch as it will conduce to diminish expense and delay in the administration of justice in criminal matters, to confer certain powers on certain Justices of the Peace and Sheriffs in Lower Canada; Therefore, all the jurisdiction and powers vested by the Act aforesaid as hereby amended or by this Act, in the Recorder of any City, are hereby conferred upon and vested in any two or more Justices of the Peace for any district in Lower Canada when present at the *chef-lieu* thereof, and there sitting in open Court, and upon and in the Sheriff of any district in Lower Canada, (other than the districts of Quebec and Montreal,) and upon and in any Deputy Sheriff in the district of Gaspé, sitting in open Court: Provided always, that such jurisdiction and powers shall not be exercised by any two or more Justices of the Peace or Sheriff in any new district until such district shall be established as such for all purposes of the administration of Justice in criminal as well as civil matters, under any proclamation of the Governor to that effect.

Jurisdiction of Recorder given to Sheriffs and Justices of the Peace, in certain places in Lower Canada.

Proviso.

Sheriffs exercising such jurisdiction to be attended by certain officers.

7. The Sheriffs of such districts as aforesaid in Lower Canada, or any Deputy Sheriff in the district of Gaspé, when sitting or acting under the provisions of the Act hereby amended and this Act, shall be assisted, attended and obeyed by the Clerk of the Peace, Bailiffs, Constables and other Officers of such districts respectively, in the same manner as Justices of the Peace in and for the said districts respectively, would be attended, assisted and obeyed by them respectively, under the same or similar circumstances; and the Clerk of the Peace for each such district shall be and act as the Clerk of the Court of the Sheriff of such district under the provisions of this Act and of the Act hereby amended.

Payment and application of fines under this Act.

8. Every fine imposed under the authority of this Act shall be paid to the Recorder, Superintendent of Police, Sheriff, Deputy-Sheriff or Justices of the Peace, who shall have imposed the same, or to the Clerk of Recorder's Court or Clerk of the Peace, as the case may be, and shall be by him or them paid over to the County Treasurer for County purposes if it has been imposed in Upper Canada,—and if it has been imposed in any New District in Lower Canada constituted by any

any Act of the session held in 1857, or to be passed in any subsequent session, then to the Sheriff of such District as Treasurer of the Building and Jury Fund for such District, to form part of the said Fund,—and if it has been imposed in any other District in Lower Canada, then to the Prothonotary of such District to be by him applied under the direction of the Governor in Council, towards the keeping in repair of the Court House in such District, or to be by him added to the moneys and fees collected by him for the erection of a Court House and Gaol in such District, so long as such fees shall be collected to defray the cost of such erection.

Recorders of Quebec and Montreal declared to be Justices of the Peace.

9. The Recorders of the Cities of Quebec and Montreal respectively, have been and are, by virtue of their offices, Justices of the Peace for the Judicial Districts in which the said Cities are respectively situate, and vested with all the powers and authorities, within the limits of their respective jurisdictions, of any one or two Justices of the Peace, as the case may require.

This Act to be read as one Act with 20 V. c. 27: and powers of Recorders to be vested also in Superintendents of Police, &c.

10. This Act shall be read and construed as one Act with the Act hereby amended, all the provisions for the interpretation whereof shall apply to this Act so that (among other things,) all the provisions of this Act referring to Recorders and Recorders' Courts shall be read and construed as applying *and referring* also to and giving jurisdiction to the Inspector *and* Superintendent of Police for the City of Quebec and for *the* City of Montreal respectively, and to the Police Magistrate *for* any City in Upper Canada, sitting in open Court, and to the Courts held by them respectively, and as giving them respectively full power to do all Acts authorized to be done by Recorders in the case of persons charged before them respectively.

CAP. XXVIII.

An Act to diminish the Expenses for Witnesses, and to facilitate the enforcing of forfeited recognizances, in Criminal Cases in Lower Canada.

[*Assented to 24th July*, 1858.]

Preamble.

WHEREAS it is expedient to restrict the allowance to Witnesses on behalf of the Crown in Criminal Cases in Lower Canada, to such amount as will indemnify them for their actual disbursements; except only in the case of poor and needy witnesses, and to make certain other provisions for diminishing the expense borne by the Province in Criminal Cases in Lower Canada: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1.

Witnesses not to receive allowance out of public money, except in certain cases and on certain conditions.

1. No witness at the trial of any case of felony or misdemeanor, shall receive any allowance as such out of any public money, nor shall any order be made by any Court, Judge, Recorder, Inspector and Superintendent of Police, or presiding Justice of the Peace, for the payment of any such witness out of public money, except upon the certificate of the Attorney General or Solicitor General or other prosecuting Officer on the part of the Crown, or of the Clerk of the Peace or other Public Officer prosecuting a felony or other offence in the Court of Quarter Sessions or Recorder's Court, or before any other competent tribunal, that such witness, being subpœnaed or bound by recognizance to give evidence on the part of the Crown in such case, is entitled under this Act to the sum mentioned in such certificate, which sum shall be ascertained as follows:

Disbursements only, unless poor and needy.

1. Unless the witness be poor and needy, he shall be entitled only to his actual travelling expenses from the place of his residence to the Court and back, and just actual disbursements for board and lodging not exceeding the rate of one dollar per day, while detained in attending the Court at a place where he does not reside;

If poor and needy, allowance for loss of time.

2. If the witness makes affidavit before the Court, Judge, Recorder, Inspector and Superintendent of Police, or Justice of the Peace, that he is poor and needy, he may also be allowed a reasonable sum for his trouble and loss of time, not exceeding in any case the rate of one dollar per day;

Affidavit that the amount demanded is correct, &c., and before whom.

3. Any witness may, before receiving such certificate, be required to make affidavit that the sum he demands for disbursements or for trouble and loss of time, or both, is true and correct, and to answer on oath any pertinent question touching the same, which shall be put to him by the Court, Judge, Recorder, Inspector and Superintendent of Police or presiding Justice of the Peace, or by the prosecuting Officer or person who is to sign the certificate.

Order of Judge, &c., to be required to enable defendant in felony to obtain subpœnas without paying fees.

2. The defendant in any case of felony, shall not obtain Subpœnas for necessary witnesses for his defence without payment of fees, in the manner now used, except upon the order of some Judge of the Court in which the case is to be tried, or of the prosecuting Officer in the case, which order shall be granted on the affidavit of the Defendant that he is poor and needy, and that such witnesses are necessary to the defence, and the lawful fees of the proper officer issuing such Subpœnas, shall then (but not otherwise) be paid as they now are; but no expenses of serving such Subpœnas shall hereafter be paid out of any public money; Provided always, that in cases of misdemeanor or other offences less than felony, no expenses for subpœnas or service of subpœnas on the part of the Defendant, shall be paid out of any public money, in whatever Court such case be tried.

Proviso.

3.

Forfeited recognizance in criminal cases in Lower Canada to be certified to the Superior Court.

3. Whenever default is made in the condition of any recognizance lawfully entered into or taken in any criminal case, proceeding or matter in Lower Canada, so that the penal sum therein mentioned becomes forfeited and due to the Crown, such recognizance shall thereupon be estreated or withdrawn from any record or proceeding in which it may be, or a certificate or minute of such recognizance, under the seal of the Court shall be made from the records of such Court where the recognizance has been entered into orally in open Court, and such recognizance, certificate or minute, (as the case may be,) shall be transmitted by the Court, Recorder, Inspector and Superintendent of Police, Justice of the Peace, or Magistrate or Functionary before whom the cognizor (or the principal cognizor where there is a surety or sureties) was bound to appear or to do that by his default to do which the condition of the recognizance is broken, to the Superior Court in the District in which the place where such default was made is included for civil purposes, with the certificate of the Court, Recorder, Inspector and Superintendent of Police, Justice of the Peace, Magistrate or other Functionary as aforesaid, of the breach of the condition of such recognizance, of which and of the forfeiture to the Crown of the penal sum therein mentioned such certificate shall be conclusive evidence: And the date of the receipt of such recognizance or minute and certificate by the Prothonotary of the said Court, shall be indorsed thereon by him, and he shall enter judgment in favor of the Crown against the cognizor (or cognizors) for the penal sum mentioned in such recognizance, and execution may issue therefor after the same delay as in other cases, which shall be reckoned from the time when the judgment shall have been entered by the Prothonotary of the said Court, and such execution shall issue upon fiat or præcipe of the Attorney General or Solicitor General for Lower Canada, or of any person thereunto authorized in writing by either of them; and the Crown shall be entitled to the costs of execution and to costs on all proceedings in the case subsequent to execution, and to such costs for the entry of the judgment as may be fixed by any tariff: Provided always that nothing herein contained shall prevent the recovery of the sum forfeited by the breach of any recognizance from being recovered by suit in the manner now provided by law, in any case where the same cannot for any reason be recovered in the manner provided in this section.

Judgment to be entered thereon.

Execution on *fiat* of Attorney General, &c.

Proviso.

Repeal of inconsistent enactments.

4. This Act shall apply only to Lower Canada; and so much of the thirty-fifth section of the Act of the Legislature of Lower Canada, thirty-fourth George the Third, chapter six,—or of the twenty-fourth section of the Act of the said Legislature, thirty-ninth George the Third, chapter nine,—or of the first section of the Ordinance of the Legislature thereof, second Victoria, chapter fifty-six,—or of the twenty-third or forty-ninth section of the Act of the Legislature of Canada, fourth

fourth and fifth Victoria, chapter twenty-four,—or of the ninety-seventh section of the Act of the said Legislature, twelfth Victoria, chapter thirty-eight,—or of the third, eighth or fifteenth section of the Act of the said Legislature, fourteenth and fifteenth Victoria, chapter ninety-five,—or of the thirteenth section of Act of the said Legislature, passed in the same year, chapter ninety-six,—or of any other part of the said Acts or Laws or of any other Act or Law, as may be inconsistent with any provision of this Act, shall be and is hereby repealed, but such provisions thereof as are consistent with this Act shall remain in force and apply to the cases to which this Act applies.

Interpretation.

5. The word "cognizor" in this Act, shall include any number of cognizors in the same recognizance, whether as principals or sureties, unless such interpretation be inconsistent with the context.

CAP. XXIX.

An Act to legalize certain proceedings taken by Agricultural Societies in Lower Canada.

[*Assented to 24th July*, 1858.]

Preamble.

WHEREAS certain irregularities have occurred in the election of the Officers of Agricultural Societies in Lower Canada, which took place at the period indicated by the Act twentieth Victoria, chapter forty-nine; And whereas an erroneous interpretation of the Act twentieth Victoria, chapter thirty-two, has caused certain Agricultural Societies in Lower Canada, composed of more than forty persons, contributors to an amount exceeding twenty pounds currency, to be of opinion that the said Act rendered it unnecessary for them to subscribe to the declaration and form contained in Schedule A of the Act first above cited; And whereas it is expedient to extend the period limited for the organization of Agricultural Societies where such societies have not already been organized in Lower Canada; And in consideration of the advantages which result from the proper working of the said Agricultural Societies: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

20 V. c. 49.

20 V. c. 32.

Election of officers of Agricultural Societies under 20 V., cap. 49, declared valid.

1. Elections of officers of Agricultural Societies which have taken place in the different counties of Lower Canada at the period enacted by the Act twentieth Victoria, chapter forty-nine, are hereby declared valid, and the said Officers shall be entitled to exercise all the powers, and to discharge all the duties, conferred and enumerated by the Act last cited and by the Act twentieth Victoria, chapter thirty-two, with reference to Agricultural Societies in Lower Canada; if however, in any

any county in which but one Agricultural Society ought to exist, two Societies have been organized in opposition one to the other, that Society which has been or shall be admitted by the Board of Agriculture shall be the legally organized Society, and shall enjoy all the rights and privileges conferred upon Agricultural Societies: Provided always that the foregoing provision shall not apply in any way to the County of Temiscouata, but in that County the Agricultural Society organized on the twenty-second day of January last, at the *Chef-lieu* of the County in the Circuit Court, in the Parish of Isle-Verte, is and shall be the Agricultural Society of the said County of Temiscouata, and shall be entitled to enjoy all the rights and privileges conferred on Agricultural Societies in Lower Canada, any law to the contrary notwithstanding.

Proviso: Where two Societies have been formed where there ought to be but one.

Proviso: this sect. not to apply to county of Temiscouata, &c.

2. The said Agricultural Societies organized as aforesaid in conformity with the provisions of this Act, shall nevertheless subscribe to the declaration in the form contained in the said Schedule A of the said Act twentieth Victoria, chapter forty-nine; and the said declaration shall then be deemed to be subscribed to in conformity with the provisions of the Act last above cited.

Declaration must be subscribed under 20 Vict. c. 49.

3. Notwithstanding the provisions of the Act twentieth Victoria, chapter forty-nine, which enacts and provides that the election of the president, vice-president and directors should take place within the three first weeks of the month of January last for the current year, it shall be lawful for the inhabitants of any County in Lower Canada, upon conforming to the other provisions of the Act last above cited, to organize an Agricultural Society, and to elect the president, vice-president and directors, at any meeting called for that purpose by the Warden or a Justice of the Peace in the county, upon the requisition of at least three persons entitled to vote at the election of the officers aforesaid.

A Society may be organized in any County, notwithstanding the provisions of 20 Vict. c. 49, requiring that the President, &c. should be elected in January last.

4. If on the day and at the hour and place at which such meeting is to be held, the said Warden or Justice of the Peace be absent, any person selected by the majority of the persons present, and entitled to vote at such election shall preside, and shall discharge, in so far as concerns the said election and the acts relating thereto, all the duties imposed upon the president of any such meeting.

Who may preside at the meeting, in the absence of the Warden.

5. The proceedings at such meeting shall be transmitted to the Board of Agriculture by the person who shall have presided thereat; and if such person shall neglect or refuse to transmit a report of the said proceedings to the Board of Agriculture, whether such proceedings shall have been had since the first day of January last or shall be had after the passing of this Act in conformity therewith, it shall be lawful for not less than three persons who shall have been present at such meeting, to draw

Proceedings to be transmitted to the Board of Agriculture, and by whom.

draw up a *procès-verbal* setting forth the result of such meeting, and giving the names of the officers elected for such Agricultural Society, whether the same be for a county or for the division of a county, as the case may be; And the said *procès-verbal* shall be transmitted to the Board of Agriculture, and shall be considered to be an official report of the proceedings of such meeting; if however it be objected that the said report is false and irregular, the Board of Agriculture shall decide the matter in dispute, and its decision shall be final.

If the *Procès verbal* be objected to as irregular.

Proceedings declared valid by the said Board, legalized.

6. The Agricultural Societies which have transmitted reports of the proceedings at their meetings to the Board of Agriculture, and of which the proceedings have been declared to be valid by the said Board of Agriculture, are hereby legalized notwithstanding any irregularities in such proceedings.

Public Act, and duration.

7. This Act shall be a Public Act, shall apply to Lower Canada only, and shall expire on the twenty-ninth day of September next.

CAP. XXX.

An Act to amend the Act passed in the eighteenth year of Her Majesty's Reign, chapter one hundred and fifty-nine, intituled, *An Act to amend and consolidate the provisions contained in the Ordinances to incorporate the City and Town of Quebec, and to vest more ample powers in the Corporation of the said City and Town.*

[*Assented to 24th July*, 1858.]

Preamble.

18 V. c. 159.

WHEREAS it is expedient to repeal in part, and to amend the provisions of an Act passed in the eighteenth year of Her Majesty's Reign, intituled, *An Act to amend and consolidate the provisions contained in the Ordinances to incorporate the City and Town of Quebec, and to vest more ample powers in the Corporation of the said City and Town:* Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Section 2 repealed.

1. The second section of the said Act shall be and is hereby repealed.

Boundaries of the City of Quebec enlarged and described.

2. All the tract of land which in and by a certain Proclamation of His Excellency Sir Alured Clarke, Lieutenant Governor of the Province of Lower Canada, issued under the Great Seal of the Province, and bearing date the seventh day of May, one thousand seven hundred and ninety-two, is described as being comprehended within the City and Town of Quebec, and which it was declared by the said Proclamation should be thenceforward called by that name, as well as all land extending to

to low water mark of the river St. Lawrence, in front of the said City and Town, together with the bed of the river St. Charles, opposite the said City, adopted at high water mark of the northern side of the said river from the prolongation of the line from St. Ours street to the westerly line of the Nuns of the Hotel Dieu's Farm; thence, running southward along the said line about five hundred and fifty feet to the southern extremity of a pier erected on the said farm at low water; thence, running due east about eight hundred feet, to the intersection of the line limiting the beach grants of the Seigniory of Notre-Dame des Anges, at low water, and finally thence, along the said beach line, running north, forty degrees east to the intersection of the prolongation of the Commissioners' line for the harbour of Quebec, and thence following the said Commissioners' line to the westerly line of the City—shall, from and after the passing of this Act, constitute, be and be called the City of Quebec, and all wharves, piers and other erections made or to be made in the said river Saint Lawrence opposite to or adjoining the said City, though beyond low water mark of the said river, and extending as far as the said Commissioners' line and beyond the same, should it be hereafter extended, shall be held and considered to be within the limits of the said City.

All the said tract to be within the City.

3. If any person who shall have or claim to have any right to vote at any election of a Mayor or of a Councillor in the said City, shall, after the passing of this Act, ask or take any money or other reward by way of gift, loan or other device or agree or contract for any money, gift or office, employment or other reward whatsoever, to give or forbear to give his vote in any such election, or if any person, by himself, or by any person employed by him, shall, by any gift or reward, or by any promise, agreement or security for any gift or reward, corrupt or procure, or offer to corrupt or procure any person to give or forbear to give his vote in any such election, such person so offending in any of the cases aforesaid, shall for every such offence forfeit the sum of ten pounds currency, to be recovered with costs by any one who shall sue for the same before the Recorder's Court for the said City.

Penalty on persons guilty of bribery or accepting bribes at City elections.

4. It shall not be lawful for any candidate for the office of Mayor or Councillor for the said City, at any election thereof, directly or indirectly, to employ any means of corruption by giving any sum of money, office, place, employment, gratuity, reward or any bond, bill or note or conveyance of land, or any promise of the same, or to threaten any elector of losing any office, salary, income or advantage, either by himself or his authorized agent for that purpose, with the intent to corrupt or bribe any elector to vote for such candidate, or to keep back any elector from voting for any other candidate, or to open and support, or cause to be opened and supported at his costs and charges, any house of public entertainment for the accommodation of

Candidates for Mayor or Councillors forbidden to use certain means of corruption.

Election to be void.

of the electors: And in case any such candidate for either of the said offices returned as duly elected, shall be proved guilty of using any of the above mentioned means to procure his election, before the proper tribunal, his election shall thereby be declared void.

Section 8 of 18 V. c. 159, amended.

Certain persons not to be eligible as Mayor or Councillor.

5. The eighth section of the said Act shall be amended by adding thereto the following words: "And no person who shall directly or indirectly, by himself or by any other person in trust for him or for his use and benefit, or on his account, execute, hold or enjoy the whole or any part of any contract or agreement made or entered into with the Corporation of the Mayor, Councillors and Citizens of Quebec, or have any interest therein or derive any benefit or emolument arising therefrom, or who shall, directly or indirectly be a surety for the due execution or fulfilment of any such contract or agreement shall be capable of being elected Mayor or Councillor of the said City of Quebec, and if elected, his seat as such Mayor or Councillor shall become and be vacant from the day of his having as aforesaid directly or indirectly by himself or by any person in trust for him, or for his use or benefit, or on his account, commenced to execute, hold or enjoy, the whole or any part of any such contract or agreement so made or entered into with the said Corporation, or to have any interest therein, or to derive any benefit or emolument arising therefrom or of his having, directly or indirectly, become such surety as aforesaid; and any person who shall continue to act as such Mayor or Councillor as aforesaid, after such day as aforesaid, shall incur and pay a penalty of twenty-five pounds currency for each and every day during which he shall act as such Mayor or Councillor as aforesaid, which said penalty may be recovered by any one who shall sue for the same before the Recorder's Court of the said City; and if the Mayor of the said City of Quebec shall absent himself from the said City during more than three consecutive calendar months, or if any Councillor shall absent himself during more than six consecutive months (except in case of sickness or on public business), then and in that case such Mayor or Councillor shall cease to hold such office of Mayor or Councillor, and shall be liable to the penalty appointed for refusal to accept such office."

Penalty.

Penalty on Mayor or Councillor absenting himself beyond a certain period.

Section 14 of 18 V. c. 159, amended.

6. The fourteenth section of the said Act shall be and is hereby amended as follows; After the words "and has not before voted at such election," the following shall be added, "and has not received, directly or indirectly, any money, promissory note, promise, place or employment, to induce him to vote for any of the candidates at this election."

Section 16 of 18 V. c. 159, amended.

7. The sixteenth section of the said Act is hereby amended as follows: after the words "and the said certificates may be deposited in the City Hall," the following shall be added, "or any other place fixed upon by the Council of the said City";

City"; Provided always that the said Council shall appoint but one place for the deposit of such certificates.

Section 17 of 18 V. c. 159, amended.

8. The seventeenth section of the said Act is hereby so amended as to read as follows: "The election of Councillors aforesaid shall annually take place, and be held in manner following, to wit: The Corporation of the said City shall cause books to be prepared in which shall annually be entered and recorded the names of all persons who, being qualified to vote at the said elections, shall produce and deposit their certificates of qualification in the City Hall of the said City, or at any other place fixed upon by the Council, at any time between the hours of nine o'clock in the forenoon and four o'clock in the afternoon, from the fifteenth day of the month of December until the twenty-first day of the month of December, in each year, both days inclusive; the said certificate shall be prepared and made out on a sheet of paper having two leaves thereto, on the inner one of which shall be printed or stamped blank lines followed by the words "For Councillor in the Ward," printed and stamped as follows, to wit:

Form of voting tickets.

For Councillor in the Ward.
For Councillor in the Ward.
For Councillor in the Ward.

How to be filled up.

The party entitled to the said certificate, and desirous of voting, shall fill up the said blanks, or if unable to write himself, shall cause the same to be filled up in the presence of two subscribing witnesses, with the names of those persons for whom he may desire to vote and whom he may wish to have elected Councillor or Councillors, as the case may be, for the ward in which he is entitled to vote; the holder of the said certificate being the party named therein, may produce the same to the City Clerk of the said City in the City Hall thereof, or at any other place fixed upon by the Council under the seventh section of this Act, at any time within the hours and periods hereinafter specified, and after entry made by the City Clerk of the name of the said voter and the date of the production of the said certificate, the holder thereof, being the party named as aforesaid, may deposit the said certificate in a suitable and closed box in the said City Hall, or at any other place fixed upon by the Council, labelled with the name of the ward in which the said party may be entitled to vote; of which description of box, appropriately labelled, the said Corporation shall furnish, one for each ward of the said City; at the time of producing and depositing the said certificate, the said voter shall be under no necessity of declaring or making known for whom he may vote as Councillor, and no entry or record of the party or parties voted for shall be made by the City Clerk, but only an entry of the name of the party voting, and of the date when he shall produce and deposit as aforesaid his said certificate and vote; it shall be lawful for the Mayor or any Councillor of the said City to administer the oath prescribed in the fourteenth section of the Act passed in the eighteenth year of Her Majesty's reign,

Deposit in the ballot box.

Mayor or Councillors may administer certain

oaths to voters.

reign, chapter one hundred and fifty-nine, as amended by this Act, to every party producing a certificate of qualification and claiming the right to deposit the same and vote at the said election, and it shall be imperative on the said Mayor and on each and every Councillor of the said City, to administer the said oath upon requisition to that effect, of any duly qualified voter in the said City; and likewise in all cases where doubts are or may be entertained of the identity of the party desirous of voting; and any person who shall swear falsely, upon the said oaths being administered to him shall be guilty of wilful and corrupt perjury, and shall be liable to all the penalties of the said offence; the said eight boxes (one for each ward) shall severally be locked with five locks each; each lock shall be different from the others, and shall be opened with a key of a different construction from the keys of any other of the said locks, so that no two of the said locks may be opened with the same key; and the keys of the said locks shall be given in custody to the Board of Revisors appointed by the Council, each of whom shall keep one key, so that the said boxes cannot be opened unless in the presence of all the members of the said Board:

False swearing to be perjury.

Examination of books, and declaration of candidates elected.

On the twenty-sixth day of December, or if that day be a Sunday or statutory holiday (*fête d'obligation*) on the twenty-seventh day of December in each year, the Board of Revisors shall meet in the City Hall, shall open the said boxes, and shall cause the entries and record of the City Clerk in the said books to be perfected, by entering and recording in the said books the names of the persons for whom each voter shall or may vote to be elected Councillor or Councillors as aforesaid; and the Board of Revisors shall ascertain and report to the Council of the said City at its next meeting the total number of votes given for the Candidates for the office of Councillor, and for whom the greatest number of votes shall have been given in each of the said several wards; and the said Council shall, after examination of the said books, certificates, and report of the said committee, thereupon declare the parties having the greatest number of votes to be elected councillors of the said city, and in case of an equality of votes, the said council shall determine which of the parties having the said equality shall be elected to office: Provided that the newly elected members, respecting whose election there is no question, shall, if present, be first sworn in, that they may vote in the said cases of equality of votes, if desirous of so doing; and the councillors going out of office, whom the newly elected councillors thus sworn shall subsequently replace, shall not vote in case of an equality of votes as aforesaid, and the said councillors elect shall afterwards respectively take the oaths prescribed by the Act passed in the eighteenth year of Her Majesty's Reign, chapter one hundred and fifty-nine, as amended by this Act; and the said books with the names of the said voters, and the names of the parties for whom they have respectively voted, together with the certificates produced and deposited by the said voters, shall remain in the office of the

Proviso: as to order of swearing in Councillors, &c.

Certain oath to be taken.

city

city clerk, where they shall be open to inspection by any elector on payment of one shilling: Provided always, that the newly elected councillors as aforesaid shall not enter upon the duties of their office and shall not enjoy any of the rights and privileges, nor be liable to any of the duties and responsibilities of councillors as aforesaid, until from and after the third Monday in January in each year.

Proviso: when the new Councillors shall begin to act as such.

9. The financial year, as regards all accounts of the corporation of the said city shall commence on the first day of January and end on the thirty-first day of December in each year, both days inclusive; any law, custom or usage to the contrary notwithstanding: And all rates of assessment or taxes imposed and levied during the course of any one year shall be taken to be for the year commenced upon the first day of the month of January then next preceding, and ending on the thirty-first day of the ensuing month of December.

Financial year as regards the Corporation.

Tax year.

10. The forty-third section of the said Act shall be and is hereby repealed, and it is enacted that the treasurer of the said city, shall, in books to be kept for that purpose, enter true accounts of all sums of money by him received or paid as such treasurer, and the several matters for which such sums shall have been received or paid; and the books containing the said accounts shall, at all reasonable times, be open to the inspection of the mayor or of any of the councillors of the said city; and all the accounts of the said treasurer, with all vouchers and papers relating thereto, shall be made up to and closed on the thirty-first day of December in each year, and shall, on the first day of February then next ensuing, be submitted by such treasurer to the auditors elected for the said city, and such members of the said council, as the mayor of the said city shall name, and the said books of accounts, accounts, and all vouchers and papers relating thereto, shall from the first to the last day of February inclusively, in each and every year, be open to the inspection and examination of the said auditors and councillors to be named by the mayor, for the purpose of the said books and accounts being examined and audited for the year preceding such annual examination, and if the said accounts shall be found to be correct, the auditors shall certify the same to be so, and after the said accounts shall have been so examined and audited in the month of February in every year, the treasurer shall make out in writing and cause to be printed a full abstract of his accounts for the year, and a copy thereof shall be open to the inspection of all the rate-payers of the said city, and copies thereof shall be delivered to all rate-payers of the said city applying for the same, on payment of a reasonable price for each copy.

Section 43 of 18 V. c. 159, repealed, and new provision made as to municipal accounts, their examination and audit, &c.

Abstract to be made and published; and be open to all rate-payers.

11. Notwithstanding any thing in the said Act, or in any other Act or law to the contrary, the Recorder's Court for the said city shall have exclusive jurisdiction in all cases of complaint

Exclusive jurisdiction of the Recorder's

Court in cases relative to assessment.

complaint against, or objection to, the assessment returns to be made in the said city, and it shall be the duty of the Treasurer of the said city, as soon as the Assessors thereof shall have deposited the assessment books for any Ward of the said city in any year, in his office, to cause a notice to that effect to be published in one French and in one English newspaper in the said city, and in every issue thereof for three weeks, and all persons who may think themselves aggrieved, by any thing in the said assessment books contained, may, at any time within three weeks from the day of the date of the first publication of such notice, prepare or cause to be prepared a complaint thereof in writing, addressed to the said Recorder's Court, which said complaint shall be sworn to, before any Councillor of the said city, or any other Justice of the Peace, who is hereby authorized and required to administer the same, and shall be filed in the office of the Clerk of the said Court, who shall, from time to time, give due and sufficient notice, by publication in one English and one French newspaper, in the said city, of the days and hours when the said Recorder's Court will proceed to hear and determine the merits of such complaints generally, or any class or number thereof respectively; And any party aggrieved by any decision of the said Recorder's Court, with respect to such complaint, may appeal therefrom, by summary Petition, to any one of the Judges of the Superior Court for Lower Canada, sitting at Quebec, presented either in term or in vacation, within a delay of eight days from and after the rendering of such decision; And thereupon, it shall be lawful for such Judge to order that certified copies of the entry or entries in the assessment book complained of by the Petitioner, and of the decision of the said Recorder's Court on his complaint thereof, together with such complaint itself, be transmitted to him, and upon receipt thereof he shall, after having heard the Petitioner, either in person or by his Attorney, make such order in the premises as to law and justice may appertain; Provided always, that any person who shall neglect to make such complaint as prescribed by this Act, shall be foreclosed from doing so, and shall be held liable and compelled to pay the amount for which he may be assessed according to the assessment books.

Appeal from the Recorder's decision.

Proviso.

Two sub-sections of section 51 of 18 V. c. 159 amended.

12. The second sub-section of the fifty-first section of the said Act is hereby amended by adding thereto the following proviso: "Provided always, that the rate or assessment to be assessed and levied, each and every year, on real or personal property, or both, within the said City, or upon the owners or occupiers thereof in respect to such property, shall in no instance be less than five shillings currency;" The twenty-second sub-section of the fifty-first section of the said Act, shall be amended by adding after the words "by any such By-law," in the first line of the said sub-section, the following words, "for all the objects aforesaid, and."

13. The fifty-fifth section of the said Act shall be and is hereby repealed. Section 55 repealed.

14. It shall be lawful for the said Council of the said City, at a meeting or meetings of the said Council, composed of not less than two thirds of the said Council, to impose by By-law a penalty not exceeding one hundred pounds currency of the said Province, on any assessor or assessors, auditor or auditors of, in, or for the said city, or any ward thereof, refusing or wilfully neglecting to attend to, perform, or fulfil the duty or duties which he or they the said assessor or assessors, auditor or auditors are or may be bound and required by law to attend to, perform and fulfil; and the said fine shall be recoverable before the Recorder's Court of the said City, and form part of the general funds of the said City. Power to Council to impose penalties on assessors in certain cases.

15. Whenever and in all cases where, by any Act or Acts of the Legislature of the Province of Canada now in force or which may hereafter be in force, the Corporation of the said City is or may be authorized to borrow any sum or sums of money, it shall and may be lawful for the said Corporation to issue under the hand of the Mayor and the seal of the Corporation, Debentures or Corporation Bonds for the sum or sums of money to be borrowed as aforesaid, which said bonds shall bear interest at a rate not exceeding the rate fixed by the Act or Acts authorizing the said loan or the said issue or rate which, at the date of the said Debentures as aforesaid, shall be fixed as the legal rate of interest, by any law passed or hereafter to be passed by the Legislature of this Province of Canada; any law, custom or usage to the contrary notwithstanding. Whenever the corporation is authorized to borrow moneys, it may issue debentures therefor, &c.

16. The City Council of the City of Quebec shall have power to enact one or more By-laws to regulate the ferries between the City of Quebec and the parish of Notre-Dame de la Victoire de Lévi, between the City of Quebec and the parish of St. Joseph de Lévi, and between the City of Quebec and the Island of Orleans,—to fix the Tolls payable on such ferries,—to authorize an officer to grant licences for holding such ferry, and to fix the amounts which shall be paid for such licenses and the other conditions subject to which, such licenses shall be granted, and they shall have power to impose penalties upon any ferryman or other person infringing such By-laws, but no such license shall be granted for more than one year, and the tolls for the use of the said ferries shall be the same for every person who shall make use of the said ferries, and the said tolls shall be submitted to the Governor and approved by the Governor in Council, before they can be recovered, and the net revenue arising from the said licenses shall be divided as follows: one half shall belong to the Mayor, Councillors and citizens of the City of Quebec, and the other half of the revenue accruing from such licenses shall be paid to the respective City Council to have power to regulate certain ferries over the River St. Lawrence; And to fix tolls to be approved by Governor in Council.

Proviso. respective Municipalities to which the said ferries lead; Provided always that this section shall not go into effect until after the first day of January, one thousand eight hundred and fifty-nine.

Persons building or repairing houses to obtain permission from city surveyor before occupying any part of the street.

17. All persons intending either to build or to re-build any house, building, inclosure or wall fronting upon any of the streets or other public thoroughfares of the said City, or intending to demolish or to repair any such, either in whole or in part, shall apply to the City Road Surveyor, and shall inform him of the time when they are to begin such works and of the probable time of their being finished, and shall also obtain from the said surveyor permission in writing for that purpose, in which permission the extent of ground which may be occupied with the material and rubbish while such works are going on, shall be particularly stated; which extent of ground shall not in any case exceed one third of the width of the street or public thoroughfare in which the said materials or rubbish shall be deposited; and every person obtaining such permission shall inclose the ground mentioned in the same with a board fence at least ten feet in height before depositing any materials or rubbish thereon; and every person who shall refuse or neglect to obtain such permission in writing from the said surveyor, or to confine his operations within the limits fixed by such permission, or to inclose the space of ground stated in the same, shall for every such refusal or neglect incur a penalty of forty shillings currency.

Penalty for contravention of this section.

Recorder may examine witnesses on oath in cases of inquiry instituted by him at the request of the City Council.

18. In case the Council of the said City of Quebec at any time passes a resolution requiring the Recorder to investigate any matter to be mentioned in the resolution, and relating to a supposed malfeasance, breach of trust or other misconduct on the part of any member of the Council, officer, or person employed by the Corporation, or any person having a contract therewith, in relation to the duties or obligations of such member, officer, or other person to the City, or in case the Council of the City sees fit to cause enquiry to be made into or concerning any matter connected with the good government of the City, or the conduct of any part of the public business thereof, and if the Council at any time passes a resolution requiring the Recorder of the City to make the enquiry, the Recorder shall make such inquiry, and shall for that purpose have all the powers of Commissioners under the Act, intituled, *An Act to empower Commissioners for enquiring into matters connected with the public business, to take evidence on oath;* and the Recorder shall, with all convenient speed, report to the Council the result of the enquiry, and the evidence taken thereon.

9 V. c. 38.

Section 72 of 18 V. c. 159, repealed, and a new section substituted.

19. The seventy-second clause of the said Act shall be and is hereby repealed, and the following shall be substituted in its place: "All debts which from and after the passing of this Act shall become due to the Corporation, for any rate or assessment

assessment assessed or imposed on any real or personal property, or both, within the City of Quebec, or upon the owners or occupiers thereof, in respect of such property, or for duty on business, or for any other rate, tax, or impost levied under and by virtue of any By-law of the Council of the said City, shall be privileged debts, and shall be paid in preference to all other debts, excepting debts due to Her Majesty; and shall, in the distribution of the proceeds of property, whether real or personal, of any person liable to pay any such debt, be so held, considered, and adjudged by all Courts of Justice, and by all Commissioners or other persons having jurisdiction in bankruptcy or insolvency in Lower Canada: Provided always, that the privilege hereby granted shall not extend beyond the rates or assessments due for two years, that is to say, for the current year when such claim may be made, and for the year next preceding that year: And provided also, that the said privilege shall not require registration to preserve it; any Act, ordinance, or law to the contrary notwithstanding.

Privileged claim of the corporation for moneys due for assessments.

Proviso.

Proviso.

20. And whereas the Corporation of the Mayor, Councillors and Citizens of the said City of Quebec, have, by their petition, represented that further provisions are necessary to enable them properly to carry into effect the Act passed by the Legislative Council and Legislative Assembly in the ninth, and assented to by Her Majesty in the tenth year of Her reign, and intituled, *An Act for supplying the City of Quebec, and parts adjacent thereto, with water*, and the Acts amending the same, and have prayed that such provisions be made: Therefore it is enacted, that the minimum water-rate to be paid by any person or party liable in the said City of Quebec to water-tax, shall be four dollars per annum; any thing in the said Acts to the contrary notwithstanding.

Act 9 V. c. 113, cited.

Minimum water rate altered.

21. Any water-rate to which any immoveable property in the said City shall be subject, and which shall be payable by the proprietor, may be enforced and recovered either from the proprietor of the said immoveable property so taxed or assessed, or from any person occupying the said real property or any part thereof, as tenant or otherwise; and when the said tax shall have been paid by any tenant not bound to pay the same by the lease or other agreement, in virtue of which he occupies such immoveable property, such tenant shall be entitled to deduct the sum so paid by him from the rent which he shall have to pay for the use or occupation of the said immoveable property so taxed.

By whom the water-rate shall be payable.

Tenant paying it may recover in certain cases.

22. The provisions of any law inconsistent with or contrary to the provisions of this Act shall be and they are hereby repealed.

Inconsistent provisions repealed.

23. This Act shall be deemed a Public Act.

Public Act.

CAP.

CAP. XXXI.

An Act to extend the Powers of the Trinity House of Quebec.

[*Assented to 24th July*, 1858.]

Preamble. WHEREAS it is advisable further to encourage the removal of obstructions in the Harbour of Quebec: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Sec. 99 of 12 Vict. ch. 114, repealed. **1.** The ninety-ninth section of the Act of the Legislature of the Province of Canada, passed in the twelfth year of Her Majesty's Reign, chapter one hundred and fourteen, shall be and the same is hereby repealed.

Trinity House may advertise and sell effects found and not claimed within a certain time. **2.** When any thing found in the River Saint Lawrence within the jurisdiction of the Trinity House of Quebec has not been claimed, the Harbour Master of Quebec may advertise it during four weeks in English and in French in two or more newspapers published at Quebec; and if within one calendar month after the date of the last of such publications the same be not claimed, the Harbour Master shall sell the same publicly, and after deducting the expenses of advertising, sale or otherwise, two thirds of the proceeds of the sale shall revert to the finder, and the remaining third to the Trinity House of Quebec;

Proviso: Period may be extended to not more than six months. Provided always that it shall be in the discretion of the Trinity House of Quebec, by an Order to be duly made by them to that effect, to prolong the said delay of one month, if they should see fit, to any other period not exceeding six calendar months, so that there shall intervene not less than one nor more than six calendar months between the advertising the description of the effects found and the sale of the same in the event of their not being claimed.

Public Act. **3.** This Act shall be deemed a Public Act.

CAP. XXXII.

An Act to provide for the improvement and management of the Harbour of Quebec.

[*Assented to 24th July*, 1858.]

Preamble. WHEREAS it is expedient to provide for the improvement and management of the Harbour of Quebec: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1.

Harbour of Quebec, defined.

1. The Harbour of Quebec shall, for the purposes of this Act, comprise that part of the river St. Lawrence which lies between a line drawn from the west side of the mouth of the river Cap Rouge, to the west side of the mouth of the river Chaudière, and a line drawn from the east side of the mouth of the river Montmorency, to the east side of the Cove called Indian Cove, on the south side of the said river St. Lawrence, together with that part of each of the said rivers Cap Rouge, Chaudière and Montmorency, and of the rivers St. Charles, Etchemin and Beauport, where the tide ebbs and flows.

Certain Crown property, &c., in the Harbour vested in trust.

2. All land below the line of high water on the north side of the River St. Lawrence within the said limits, now belonging to Her Majesty, whether the same be or be not covered with water, the moneys arising from which are not by law appropriated or directed to be applied exclusively to any other purpose, together with all rents and sums of money now due or hereafter to become due to Her Majesty, and not already by law appropriated or directed to be applied exclusively to any other purpose, either for interest or principal, or in any other way, in respect of any land below the line of high water within said limits heretofore granted by Her Majesty, whether the same be or be not covered with water, shall be vested in the Corporation hereinafter mentioned, in trust for the purposes of this Act: Provided always that every Riparian and other proprietor of a deep water pier, or any other property within the said boundaries, shall continue to use and enjoy his property and mooring berths in front thereof, as he now uses the same, until the said Corporation shall have acquired the right, title and interest which any such proprietor may lawfully have in and to any beach property or water lot within the said boundaries; nor shall the rights of any person be abrogated or diminished by this Act in any manner whatever: And provided also, that nothing herein contained shall in any way affect the lands or any parts of the lands constituting the estate of the late Order of Jesuits, appropriated to Educational purposes by the Act nineteenth and twentieth *Victoria*, chapter fifty-four.

Proviso: saving rights of proprietors.

Proviso: saving Jesuits Estates.

Commissioners of the Harbour to be appointed and to be a Corporation.

3. It shall be lawful for the Governor, by an Instrument under the Great Seal of this Province, to constitute and appoint three persons to be, together with the Mayor of the City of Quebec, for the time being, and the President of the Quebec Board of Trade for the time being, Commissioners for the improvement and management of the Harbour of Quebec, and from time to time to remove such persons or any or either of them, and to appoint others to be the successors of such as shall be removed or shall die, or resign their trust; and such Commissioners and the Survivor or Survivors of them, and their Successors so from time to time constituted and appointed as aforesaid, together with the Mayor of the City of Quebec for the time being, and the President of the Quebec Board of Trade for the time

time being, or during his absence from the Province, the Vice-President of the Quebec Board of Trade, shall be and are hereby declared to be a body Corporate and Politic in deed and in name by the name of the "Quebec Harbour Commissioners," with power to purchase and acquire, have, hold, enjoy, possess and retain immoveable property for the purposes of this Act, and to build or acquire, hold and possess such Steamboats, Dredges, Scows and other Vessels as they may deem necessary for the efficient discharge of their duties under this Act, and to take out Registers for such Vessels in their corporate name and capacity, and to dispose of the same, as well as of the said immoveable property, as often as they may see fit to do so, and to do all other things necessary to carry out the provisions of this Act according to their true intent and spirit; Provided always, that no such Commissioner or Secretary of the Corporation shall at any time be the owner of, or have personally any direct interest in any property which it will be necessary to acquire for the purposes of this Act;—if he be such owner or has such interest, he shall cease to be a Commissioner or officer (as the case may be)—and if the Mayor of the City of Quebec, or the President of the Board of Trade should at any time be such owner or should have such interest, it shall be the duty of the Corporation of the City of Quebec, or of the Board of Trade, as the case may require, to choose from among its members a person not being such owner and not having such interest, to be such Commissioner; or if either of the three Commissioners appointed by the Governor is such owner or has such interest, it shall be lawful for the Governor to appoint in his stead some other person not being so disqualified.

Corporate name and powers.

Proviso: no interested party to be commissioner or secretary.

Power to make By-laws for certain purposes.

4. The said Corporation of the Quebec Harbour Commissioners shall, for the purposes of this Act, have power and authority to make By-laws, not repugnant to the laws of this Province or to the provisions of this Act, and to impose penalties under the same, not exceeding twenty dollars currency or sixty days' imprisonment, against all persons who may infringe the same, and to revoke, alter and amend such By-laws as often as they may deem the same expedient; and By-laws made for any of the following purposes shall be held and deemed to be made for the purposes of this Act, that is to say:

Servants and property.

1. The direction, conduct and government of the said Corporation, and of its officers and servants, and the management and improvement of its property, real and personal;

Encroachments.

Ballast.

2. The prevention of injury to the property of the Corporation, and encroachment and incumbrances thereon, and the removal of the same; and also to prescribe where all vessels entering and loading at the Harbour of Quebec shall discharge their ballast;

Collection of dues, &c.

3. The collection of all dues and penalties imposed by or under the authority of this Act;

4.

4. And finally the doing of any thing necessary to carry *out* the provisions of this Act according to their intent and spirit; Carrying out this Act.

5. Provided always, that no By-law made by the said Corporation, shall have any force or effect until after it has been sanctioned by the Governor and published in the *Canada Gazette*; Proviso: By-laws to be published.

6. And provided also, that the improvements to be made under this Act, and the property which may be acquired thereunder, shall be made or acquired on the north side of the River St. Lawrence, only. Proviso: improvements to be on north side only.

7. Copies of any such By-laws certified by the Secretary under the seal of the said Corporation, shall be admitted as full and sufficient evidence of the same in all Courts of Law and Equity in Canada. Certified copies to be evidence.

8. It shall be lawful for the Governor from time to time to appoint one of the said Commissioners to be Chairman of the said Corporation, and to allow such Chairman such compensation or salary as may be deemed fitting; and the said Corporation shall appoint a Secretary-Treasurer thereto, and shall fix his compensation, and shall require and take from such Secretary-Treasurer such security for the due and faithful performance of his duties as may be deemed necessary; And all such other officers, assistants and servants as may be required by the said Corporation for the purposes of this Act, shall be appointed by the said Corporation, who shall allow them such compensation or salaries as may be necessary; Provided always that such Secretary-Treasurer and such compensation shall be approved of by the Governor General. Appointment of Chairman, and of Secretary-Treasurer, and other officers of Corporation. Proviso.

9. The members, officers and servants of the said Corporation shall be exempt from serving on any Juries or Inquest whatsoever, or as Assessors or Constables. Members &c., of Corporation exempt as Jurors, &c.

10. For the purpose of purchasing wharves and extending and improving the same, and constructing other accommodation for vessels in the said Harbour, or for any or either of the said purposes, it shall be lawful for the said corporation to borrow, in such sums and for such number of years and at such rates of interest, not exceeding eight per cent per annum, as may be found expedient, any sum or sums of money not exceeding in the whole the sum of three hundred thousand pounds sterling at par, in sterling or in currency, and either in this Province or elsewhere, and to expend the same in such purchases and works in the said Harbour, in the manner deemed by them to be best calculated to promote the commerce and interests of the Port of Quebec; And the said Corporation is hereby authorized to issue under the hands of three of the said Commissioners, Power to borrow money for works in the Harbour And to issue debentures.

Commissioners, and the seal of the Corporation, debentures or bonds, to be countersigned by the Secretary of the said Corporation, for the sum or sums so to be borrowed, and to make the same payable, at such time and times as may be agreed on, to the bearer thereof either within this Province, or at any place or places without this Province, and either in Currency or in Sterling, with interest payable semi-annually, and with coupons for such interest annexed and signed by one of said Harbour Commissioners, and countersigned by the said Secretary, which coupons shall be payable to bearer at the time when the said interest shall be made payable; and such debentures or bonds may be recalled and other debentures or bonds issued in their stead as aforesaid, with coupons; and the said sum and sums so borrowed shall be paid out of the revenues of the Harbour.

Interest to be paid out of revenue of Harbour.

9. The interest upon the sums of money which may be borrowed under the next preceding section, shall be paid out of the revenue arising from the dues, tolls, duties, rates and penalties imposed by or under this Act for and on account of the said Harbour; and the lawful charges upon the said revenue shall be as follows and in the following order, that is to say:

Order of charges on revenue of Harbour.

1. The payment of all expenses incurred in the collection of the same, and other indispensable charges;

Defraying of expenses.

2. The defraying of the expenses attendant on keeping the wharves and other works and property of the Corporation of the Harbour, in a thorough state of repair;

Payment of interest.

3. The payment of interest due on all sums of money borrowed under this Act without priority or preference;

Sinking fund.

4. The paying-off of the principal of temporary loans; and for this purpose the said Corporation is hereby required to set apart yearly two per cent. on the amount of such loans, as a sinking fund, to secure the liquidation thereof.

Certain accounts to be kept.

10. The said Commissioners shall keep separate accounts of all moneys borrowed, received and expended by them under the authority of this Act, and shall account for the same annually to the Governor, in such manner and form as he may see fit to direct; but the Provincial Guarantee shall not be given for the payment of either principal or interest of any sum borrowed under this Act, nor shall the Province be in any way responsible therefor.

No Provincial Guarantee.

Corporations, &c., empowered to sell to Harbour Commissioners.

11. All Corporations and persons whatever, and all *grevés de substitution*, Tutors, Curators, Executors and Administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn,

unborn, lunatics, idiots or other persons, who are seized or possessed of or interested in any wharf or other immoveable property required by the said Commissioners for the purposes of this Act, may sell and convey unto the said Commissioners all or any part thereof; and any contract, agreement, sale or conveyance made in pursuance of the power hereby given shall be valid and effectual, any law, statute, usage or custom to the contrary notwithstanding; and such Corporation or person so conveying as aforesaid is hereby indemnified for what it or he may respectively do by virtue or in pursuance of this Act.

Corporations or persons who cannot receive principal sums to sell for fixed annual rents.

12. All Corporations or persons owning any wharf or other immoveable property, required by the said Commissioners for the purposes of this Act, who cannot in common course of law sell or alienate the same, shall exact a fixed annual rent as an equivalent for the same instead of a principal sum; and if the amount of the rent be not fixed by voluntary agreement or compromise, it shall be fixed in the manner hereinafter prescribed; and all proceedings shall in that case be regulated as hereinafter prescribed; and for the payment of any such annual rent or of any other annual rent agreed upon or ascertained and to be paid for the purchase of any wharf or other immoveable property, required by the said Commissioners for the purposes of this Act, or for any part of the purchase money of any such wharf or other immoveable property which the vendor shall agree to leave unpaid, such wharf or other immoveable property shall be and is hereby made liable and chargeable in preference to all other claims and demands thereon whatsoever, the deed creating such charge and liability being duly registered in the Registry Office for the Registration Division of Quebec; And every such Deed shall be so registered at full length at the diligence, costs and charges of the said Commissioners.

Deeds to be registered by the Commissioners.

Mode of settling price of lands &c., in case of not being able to settle it by mutual agreement.

13. Whenever the said Commissioners cannot agree with the proprietor or proprietors, or some one or more of them as aforesaid, of any wharf or other real property required by them for the purposes of this Act, as to the amount of the price or annual or other rent to be paid for the same, such amount shall be determined as follows: the said Commissioners and the proprietor or proprietors shall each appoint a disinterested Arbitrator, and the two Arbitrators shall name a third, also disinterested, and the three Arbitrators, after being sworn by or before any Judge or Justice of the Peace to fulfil their duty honestly and impartially, and having given each other notice of the time and place of their meeting, shall determine such amount, and their decision or that of any two of them shall be final; And if such proprietor or proprietors, after being notified and thereunto required by the Commissioners, refuse or neglect to appoint an Arbitrator as aforesaid, or if the two Arbitrators appointed by the two parties interested or by the Commissioners and the Judge aforesaid, do not agree upon a third Arbitrator, then one of the Judges of the

Arbitration and award.

the Superior Court for Lower Canada shall name an Arbitrator for the proprietor or proprietors, or a third Arbitrator, as the case may require; and in case of the death of an arbitrator, or his refusal to act, the party who appointed him, or the Judge, (as the case may be,) may appoint another in his place.

Commissioners to become proprietors on payment or deposit of price.

14. When the amount of the price to be paid for any wharf or other immoveable property required as aforesaid, has been agreed upon or determined by arbitration as aforesaid, the said Commissioners may take the same and become proprietors thereof, by paying such price either to the proprietor or proprietors, or into the hands of the Prothonotary of the Superior Court at Quebec, for him or them; and the price agreed upon or determined to be paid for any wharf or other immoveable property taken by the said Commissioners, shall be in the place and stead of the land, and all claims to or upon the land shall be converted into claims to or upon such price; and if the Commissioners have reason to apprehend that any claims may exist to or upon the price, on the part of any third party, they may pay such price into the hands of the Prothonotary of the Superior Court at Quebec, filing at the same time a copy of the deed of purchase or of the award, and the Court, after having caused due notice to be given for the calling in of all claimants, shall make such order for the distribution of the price as well as of the interest, thereof and as to costs, as to law may appertain.

Provision if they apprehend charge on the property.

Power to levy moorage and wharfage rates on vessels and goods.

15. It shall be lawful for the said Commissioners to levy upon all vessels moored or fastened to, or lying at or in any of their piers, wharves or slips, and upon all goods landed or shipped, carried or deposited thereon, such moorage or wharfage rates and such other tolls, dues and duties, as they may, from time to time, fix and establish not exceeding those in the Schedules hereunto annexed, and the said rates and dues shall be levied as follows:

On seagoing vessels.

1. On seagoing vessels.—The moorage rates thereon shall be levied from the master or person in charge thereof; and the wharfage rates of goods landed or shipped, shall be levied from the consignee, shipper, owner or agent thereof;

On other vessels.

2. On all other vessels.—The moorage rates thereon, as well as the wharfage rates upon the cargoes, shall be paid by the master or person in charge thereof, saving to him such recourse as he may have by law against any other person for the recovery of the sum so paid;

Proviso: as to recovery of dues; unclaimed goods may be sold if

3. Provided, however, that it shall be lawful for the said Commissioners to demand and recover the said wharfage rates from the owners or consignees of such vessels, or from the owners, consignees or agents of ships, or shippers of

of such cargoes, if they see fit to do so; and in the event of goods lying unclaimed on the wharves, piers or slips of the said Commissioners for the period of ninety days, such goods may be sold by public auction after three advertisements thereof shall have been published in any newspaper in the city of Quebec, and the said Commissioners shall account for the proceeds thereof to the owner thereof on demand, first deducting their lawful charges thereon; and if such goods be of a perishable nature, they may be sold within a shorter period, provided cause for such sale be shewn by affidavit before any Justice of the Peace of the district of Quebec, and an order for such sale procured from such Justice, who is hereby authorized to grant the same.

such dues remain unpaid after a certain time.

16. In case of non-payment of the said dues or rates or part thereof, or any other charge which under this Act the said Commissioners may lawfully make, it shall be lawful for the said Commissioners to seize forthwith before judgment, any vessel or goods whatsoever upon which such dues or other charges may be owing, and to detain the same at the risk, cost and charges of the owner, until the sum due and the costs and charges incurred for the seizure and detention of the same be paid in full; and in the event of such rates, dues or other charges, remaining due for forty days after such seizure, such vessel or goods may be sold by the said Commissioners by public auction, after the publication in any newspaper in the said city of Quebec, of three advertisements of such sale; and the said Commissioners shall thereafter, on demand, account to the owner of such vessel or goods, for the proceeds of such sale, first deducting the rates or dues due, and all their other legal charges.

Power to seize and sell vessels or goods in case of non-payment.

17. It shall be lawful for the said Commissioners to require from the master or person in charge of every vessel coming to any of their wharves, piers or slips, a report in writing, signed and certified by him, of his vessel's cargo inwards, and her draft of water, such report to be made before he shall break bulk; also of her outward cargo and draft of water before his vessel shall leave the same, and such other particulars as may be necessary to carry out the provisions of this Act; and in case of refusal or neglect to make such reports or any of them, it shall be lawful for the said Commissioners to seize and detain such vessel at the risk, cost and charges of the master, owner or person in charge thereof, until the aforesaid requirements are complied with; Provided always that nothing herein contained shall prevent the said Commissioners from making such mutual agreement with the masters, owners or agents of steamboats and other vessels, with respect to making such reports, and with respect to the payment of all tonnage, wharfage and other dues, as may be considered expedient; And provided also, that nothing herein contained shall be construed to prevent the said Commissioners from

Certain reports may be exacted from masters of vessels.

Proviso.

Proviso.

from commuting with such masters, owners, or agents of steamboats and other vessels, for all rents and dues accruing thereon, on such terms and conditions, and for such sum or sums of money, and for such periods as to the said Commissioners may seem fit and expedient.

Collector of Customs at Quebec, may be required to collect rates.

18. It shall be lawful for the said Commissioners to require the Collector of Customs at the Port of Quebec, to collect such portion of the aforesaid rates and dues on their behalf, as they may deem expedient for the convenience of the trade of the Harbour to collect through him, and to allow him therefor a commission not exceeding one half per cent.

If dues, &c., are insufficient, they may be raised by the Governor.

19. If all the imposts mentioned in this Act should prove insufficient to enable the said Commissioners to meet the charges upon their revenue as provided by this Act, it shall then be lawful for the Governor, on report of the Commissioners to that effect, to add such per centage to all dues whatsoever imposed by this Act, as will in his judgment afford the said Commissioners a sufficient revenue for the said purposes.

Recovery of dues and penalties.

20. All dues and penalties imposed by this Act, or by any By-law made under the authority thereof, and all rates, dues and duties authorized to be levied under and by virtue of this Act, may be recovered by civil action or proceeding at the suit of the said Commissioners before any Magistrate or Magistrates in any place in this Province, in a summary manner, and on the oath of one credible witness; and any member of the said Corporation, or any of its officers or servants, may be such witness.

Vessels may be seized for injury done to wharves, &c.

21. If any injury be done to any of the wharves, slips, piers or other works in the said harbor, belonging to the said Commissioners, by any vessel, or by the carelessness or wantonness of the crew thereof, while in the execution of their duty, or of the orders of their superior officers, it shall be lawful for the said Commissioners to seize such vessel and detain her until the injury so done has been repaired by the master or crew, or until security has been given by the said master to pay such amount for the injury and costs as may be awarded in any suit which may be brought against him for the same; and he is hereby declared to be liable to the said Commissioners for any such injury.

Maliciously injuring piers, &c., to be felony.

22. If any person or persons shall, wilfully and maliciously, by any means, or in any manner, break, damage or destroy, the piers, slips, wharves, or other works to be purchased or constructed under this Act, or any of them, such person or persons shall be adjudged guilty of felony, and the Court by and before whom such persons shall be tried and convicted, shall have the power and authority to cause such persons to be punished according to the laws in force in this Province for the

the punishment of felony, and to sentence any person or persons so convicted to an imprisonment in the Provincial Penitentiary, of a duration not less than two years, nor more than five years.

Penalty for obstructing officers of the Commissioners in the execution of their duties.

23. If any person or persons shall in any manner or way whatever, obstruct, hinder, or interrupt, any of the Officers, Clerks, or servants of the Commissioners, in the execution of their duties, such person or persons shall, for every such offence, incur a penalty not less than Five Pounds, nor exceeding Ten Pounds, to be recovered, as hereinbefore provided; and one half of all penalties imposed by, or under the authority of this Act, shall be paid to the said Commissioners and the other half thereof, into the hands of the Receiver General, to be applied to the public use of this Province.

How seizure of vessel to be effected.

24. The seizure of any vessel which under and by virtue of this Act the said Commissioners may make for the purpose of enforcing the provisions thereof, may be effected upon the order of any Magistrate for the district of Quebec, which order such Magistrate is hereby authorized and required to give, upon the application of the said Commissioners or their authorized agent, on the institution of any action before such Magistrate, for any cause rendering such vessel liable to seizure, and on the affidavit of any one credible person that the cause of such action alleged in the declaration, complaint or information, before such Magistrate, is well founded in fact; and such order may and shall be executed by any constable, bailiff or other person whom the said Commissioners may choose to intrust with the execution thereof; and the said constable, bailiff or other person is hereby authorized and empowered to take all necessary means, and to demand all necessary aid, to enable him to execute the same.

Valuation of Goods to be made according to the Act 12 V. c. 1, as amended by 16 V. c 85.

25. The valuation of goods on which *ad valorem* rates of wharfage are imposed by this Act, shall be made according to the provisions contained in the Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to amend the law relative to duties of Customs*, as amended by the Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act further to amend the laws relating to the duties of Customs;* and the provisions of the said Act so amended shall, for the purposes of such valuation of goods, be held and considered to form part of this Act, as if the said provisions were actually embodied herein; and it shall be the duty of the Collector of Customs at Quebec to direct the Appraiser at the said Port to attend and make such valuation at any place and time needful, on application being made to him to that effect by the said Commissioners or their authorized agent; and the said Appraiser shall act herein without taking any new oath of office for the purpose.

Interpretation clause.

26. In this Act all words importing the singular number, or the masculine gender only, shall extend to more than one person, party or thing, and to females as well as males, unless the context shall be inconsistent to such construction; and whenever power is by this Act given to do any thing, power shall be intended also to do all things which may be necessary to the doing of such things: and generally all words and clauses herein, shall receive such liberal and fair construction, as will best answer the carrying into effect of this Act according to its true intent and spirit: The words "By-laws," "Vessels," "Goods," and "Dues," in the provisions of this Act, shall severally be construed to mean, and shall mean as follows: the word "By-laws," shall include and mean, all By-laws, rules, orders and regulations, made by the said Commissioners; the words "Vessel" or "Vessels" shall mean and include all ships, vessels, boats, barges, steamboats, scows, rafts, and floating craft, whatsoever; the word "Goods," shall mean and include all merchandize, produce, animals, articles and things whatsoever, landed from a vessel, or deposited on the wharves for the purpose of being shipped or otherwise; and the word "Dues," shall mean and include all rates, tolls, duties and dues whatsoever imposed by this Act.

Saving of Her Majesty's rights, &c.

27. Nothing herein contained shall affect or be construed to affect in any manner or way whatsoever, the rights of Her Majesty, Her Heirs and Successors, or of any person or persons, or of any bodies politic, corporate or collegiate, such only excepted as herein mentioned.

Public Act.

28. This Act shall be deemed a Public Act, and as such, judicially noticed by all Judges, Justices of the Peace and others whom it may concern, without being specially pleaded.

TARIFF.

Tolls, Rates, Duties and Dues to be levied in the Harbour of Quebec, under and by virtue of this Act.

SCHEDULE A.

Tariff of Maximum Rates.

FOR MOORING.

On Steamboats, per ton of their burden per Register, for each day of twenty-four hours they remain, reckoned from the hour of their arrival to that of their departure.. 1*d.*
On all other Vessels, per ton and per day, as aforesaid... ½d.

FOR

FOR DISCHARGING AND LOADING.

By Steam Crane or other Machinery.	Discharging at Wharf.	Loading from Wharf.	Wharfage, that is, use of Wharf while goods are being landed or loaded.	Discharging or loading, to include Wharfage and Moorage of Vessel and all expenses.
	s. d.	s. d.	s. d.	s. d.
Flour or other produce reduced to weight of Flour, per barrel	0 1	0 1	0 0½	0 3
Grain, Salt, &c., per bushel	0 0½	0 0½	0 0½	0 1
Merchandize and other goods, per ton of 2,000 lbs.	1 3	1 3	0 6	2 6

SCHEDULE B.

Goods, Wares, Merchandize, Animals and Things, on which the Rates affixed to each shall be levied:

Flour and Meal, Fish, Beef, Pork, and other meats, Tar, Pitch and Rosin, per barrel or per two hundred pounds - - - - - - - - - 1d.

Puncheon Packs or Shooks, Empty Puncheons or Pipes, Canoes, Carts, Burr Stones and Animals undescribed, each - - - - - - - 1d.

Tobacco Clay Pipes, Corks and Matches, per twelve gross - - - - - - - - - - 1d.

Spades, Shovels and Axes, per dozen - - - 1d.

Baskets, Buckets, Pails and Corn Brooms, per dozen. 1d.

Window Glass, per one hundred feet - - - 1d.

Canada Plates, Tin Plates, Lemons and Oranges, per box - - - - - - - - - - 1d.

Poultry or Game, per dozen - - - - - 1d.

Untanned Skins (undescribed) per dozen - - - 1d.

Apples and other Green Fruit, per minot - - - ½d.

Potatoes, Onions, and other Green Vegetables, per minot - - - - - - - - - - ½d.

Oysters and other Shell-fish, per minot - - - ½d.

Casks, (empty, undescribed,) each - - - - ½d.

Corn Whisks or Dusters, per dozen - - - - ½d.

Laths and Shingles, per thousand - - - - 2d.

Eggs, per thousand - - - - - - - 2d.

Boats, undescribed, each - - - - - 2d.

Vehicles, undescribed, each - - - - - 2d.

Neat Cattle and Horses, each - - - - - 2d.

Hoop Poles, per hundred pieces - - - - 3d.

Firewood and Bark, per cord - - - - - 3d.

Empty Bottles, per gross - - - - - 3d.

Hides, per dozen - - - - - - - - 3d.

Ashes, (Pot or Pearl,) per barrel - - - - 4d.

Cinders and Coke, per chaldron - - - - 6d.

Coal, per chaldron - - - - - - - 1s. 0d.

Clay, Sand, Lime and Ballast, per ton	6d.
Timber, per hundred cubic feet	6d.
Sawed Lumber of every kind, per thousand feet, board measure	2s. 6d.
Lathwood, per cord	2s. 0d.
Batteaux and Carriages, each	2s. 6d.
Buffalo Skins, per dozen	6d.
Earthenware, (loose,) per hundred pieces	9d.
Handspikes, Oars and Billets, per hundred pieces	9d.
Barrel Staves, per mille	2s. 6d.
Hay and Straw, per hundred bundles	9d.
Marble, per hundred cubic feet	2s. 6d.
Stone, (except ballast,) per hundred cubic feet	2s. 6d.
Puncheon Staves, per mille	2s. 6d.
Empty Barrels, per hundred	1s. 3d.
Empty Boxes, per hundred	1s. 0d.
Grain, Seeds, Indian Corn, Pulse, Malt and Salt, per hundred minots	1s. 3d.
Railway Sleepers, per hundred pieces	5s. 0d.
Bricks, Tiles and Slates for roofing, per thousand	4s. 0d.
Pipe Staves, (Standard,) per mille	10s. 0d.

SCHEDULE C.

Goods on which there shall be levied a rate of nine pence per one thousand pounds gross weight :

Arrowroot,—Barley, Pot or Pearl,—Batting,—Biscuit,—Bread,—Butter,—Blue,—Brimstone,—Cheese,—Crackers,—Coffee,—Cocoa,—Chocolate,—Candles,—Cork, unmanufactured,—Cordage,—Cotton Wool,—Flax,—Feathers,—Fruit, dried,—Glue,—Grease,—Gunpowder,—Ginger,—Hemp,—Hops,—Honey,—Junk,—Leather,—Lard,—Lampblack,—Nuts of all kinds,—Oakum,—Oil-Cake,—Ochre,—Paints,—Putty,—Rice,—Rags,—Rope,—Sugar, raw or refined,—Soap,—Starch,—Spices,—Sago,—Salaratus,—Salts,—Snuff,—Saltpetre,—Sulphur,—Teas,—Tobacco,—Tow,—Tallow,—Wadding,—Wool,—Wire,—Wax,—Wrapping Paper,—Whetstones.

SCHEDULE D.

Goods on which there shall be levied a rate of one shilling and three pence per ton gross weight :

Anchors,—Anvils,—Alum,—Chains,—Metals of all kinds in Pigs, Bar, Bolts, Rods, or Sheets,—Hollow-iron-ware,—Ploughmoulds,—Nails,—Spikes,—Shot,—Stoves,—Ores of all kinds,—Chalk,—Cement,—Gypsum,—Plaster of Paris,—Whiting,—Copperas,—Grindstones,—Millstones,—Dye-woods,—Soda-Ash,—Raft Gear,—Bran,—Shorts,—Luggage,—Bones,—Hoofs,—Horns.

SCHEDULE

SCHEDULE E.

Goods on which there shall be levied a rate of one shilling per one hundred gallons thereof:

All Liquors, Wines, Oils and Fluids whatsoever, in wood or other packages, except bottles.

SCHEDULE F.

Goods on which there shall be levied a rate of nine pence per ton measurement of forty cubic feet:

Earthenware, Stoneware, Chinaware and Glassware in packages.

SCHEDULE G.

On all Goods, Wares and Merchandize whatsoever not otherwise classed or described, there shall be levied a rate of three shillings and four pence upon every one hundred pounds of the value thereof: Provided always, that upon Goods, the value of which cannot be ascertained satisfactorily, it shall be lawful for the Harbour Commissioners to levy a rate of one shilling and three pence per ton weight or measurement, as they may see fit.

CAP. XXXIII.

An Act to confirm a Resolution or By-law of the Corporation of Montreal, and to empower the Harbour Commissioners of Montreal to erect a Gallery across Capital Street in Montreal.

[*Assented to 24th July*, 1858.]

Preamble. By-law cited.

WHEREAS by a By-law or Resolution duly made and passed by the Mayor, Aldermen and Citizens of the City of Montreal, on the twenty-fifth day of May, one thousand eight hundred and fifty-three, permission was granted for the erection by the Harbour Commissioners of Montreal, of an enclosed iron Gallery across Capital Street, in the said City, which permission it is desirable should have legislative sanction: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

The said By-law of the Corporation of Montreal confirmed, on

1. The said By-law or Resolution is hereby sanctioned and confirmed, and it shall be lawful for the said Harbour Commissioners of Montreal to erect and maintain, and from time to time when necessary to repair or rebuild, an enclosed iron Gallery,

certain conditions.

Gallery, across Capital Street aforesaid, connecting the third story of the House known as the "Montreal House," with the building erected on the opposite side of the said Street, by the said Harbour Commissioners of Montreal: such Gallery not to exceed the dimensions referred to in the said By-law or Resolution, to wit, ten feet in height by eight feet in width, and the floor thereof not to be lower than the floor of the third story of the said "Montreal House."

Proviso: reservation of damages to persons injured.

2. Provided always that nothing in this Act contained shall deprive, or be construed to deprive, any proprietor or proprietors, tenant or tenants of property, in the said street, of his or their or any of their rights, claims or remedies, for the recovery of compensation for any damage which the erection and maintenance of the said Gallery shall cause to them, or any of them.

Public Act.

3. This Act shall be deemed a Public Act.

CAP. XXXIV.

An Act to divide the County of Charlevoix into two County Municipalities.

[*Assented to 24th July*, 1858.]

Preamble.

WHEREAS the County of Charlevoix, in the District of Saguenay, is of very great extent, and is divided by mountains, hills and roads which are exceedingly difficult to travel, and comprises an island which is separated from the mainland by a large expanse of water, and it is therefore expedient to divide the said County into two County Municipalities, and to leave the Isle-aux-Coudres forming the Parish of St. Louis, as a single Parish Municipality, not attached to any County Municipality: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

First Division of Charlevoix constituted as a County Municipality.

1. The parishes of St. Etienne, called La Malbaie, of Ste. Agnès, of St. Irénée and of St. Fidèle, together with the townships of DeSales and Callières, shall, from and after the first day of October next, constitute a separate County Municipality to be called the *First Municipal Division of the County of Charlevoix*, and shall enjoy all the rights, powers and privileges of a County Municipality under the Lower Canada Municipal and Road Act of 1855, and under all Acts amending the same.

Second Division in like manner.

2. The remaining portion of the said County of Charlevoix, except the Parish of St. Louis de l'Isle-aux-Coudres, shall, from and after the first day of October next, constitute a County Municipality to be called the *Second Municipal Division of the County of Charlevoix*, with all the rights, powers and privileges aforesaid.

3.

2. The first meeting of the Municipal Council of the said First Division shall be held at the Village of the Parish of St. Etienne de la Malbaie, on the second Monday of October next; the first meeting of the Municipal Council of the said Second Division shall be held in the Parish of St. Pierre and St. Paul, known as Baie St. Paul, on the second Monday of October next: The Council for each Division shall consist of the Mayors of the local Municipalities in each division respectively; and this Act shall in no way affect the election of Mayors and Councillors for the local Municipalities. First meeting of the Council in each Division. Council how composed.

4. As regards the Parish of St. Louis, the only Parish on the Isle-aux-Coudres, it shall continue to have its Local Municipal Council as provided by the said Act of 1855, and the Acts amending the same, but it shall not belong to any County Municipality; and all appeals and revisions which, under the said Municipal Acts are to be made to or by County Municipalities, shall be made to and by the Circuit Court in the said District, having jurisdiction over the said Municipality, and the said Court is hereby specially empowered to take cognizance of the matters aforesaid, and to give its decision in the same manner as the County Municipal Council might have done, the Clerk of the said Court being substituted for the Clerk of such County Council. Parish of St. Louis de l'Isle-aux-Coudres to be a Municipality with certain special powers.

5. The debts and obligations now existing, shall be divided between the said two County Municipalities and the Local Municipality created by this Act, and shall be placed to their debit and credit in proportion to their respective populations. Debts of the Municipalities.

6. This Act shall be deemed a Public Act. Public Act.

CAP. XXXV.

An Act to make better provision for the registration of Deeds, in the Counties of Charlevoix and Saguenay.

[*Assented to 24th July*, 1858.]

WHEREAS it has become necessary for the convenience of the localities hereinafter mentioned, to detach the County of Saguenay from the County of Chicoutimi and to annex it to the County of Charlevoix for all purposes of registration of deeds in relation to the alienation and hypothecation of real estate, and to form two registration divisions out of the said Counties of Saguenay and Charlevoix: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. The County of Saguenay shall, for the purposes of registration, be detached from the County of Chicoutimi, which shall thereafter form a registration division by itself. Saguenay detached from Chicoutimi.

2.

First registration division of Charlevoix and Saguenay.

2. The County of Saguenay and the Parishes of St. Etienne de la Malbaie, St. Agnès, St. Irénée and St. Fidèle and the Townships of Callières and DeSales, shall constitute a registration division to be called the first registration division of the Counties of Charlevoix and Saguenay, and the registry office of the said division shall be held in the Parish of St. Etienne de la Malbaie.

Second division.

3. The remaining portion of the said County of Charlevoix shall form a second registration division, which shall be known as the second registration division of the Counties of Charlevoix and Saguenay, and the registry office of the said division shall be held in the Parish of St. Peter and St. Paul, called Baie St. Paul.

Records of the registry office of Charlevoix to be deposited in the said first division.

4. The books and records, instruments and documents relating to the registration of titles in the County of Charlevoix effected before this Act shall come into force, shall be deposited in the office of the Registrar for the said first division, who is hereby authorized to receive the same, and to make searches, deliver copies, extracts and certificates thereof or therefrom according to law, which shall be of the same validity and effect as if the said books and records had been originally registered in the said office.

Transcripts of certain documents affecting lands in either of the said divisions to be furnished to the Registrar thereof on payment of certain fees, &c.

5. Whenever the Municipal Council of the County in which the registry office of either of the said new registration districts is situated, shall have provided funds for paying the necessary expenses, such Council may require any Registrar in whose office there shall be registered any deed, instrument or document affecting real property in such new registration district, to furnish copies thereof to the Registrar of such new registration district, with copies of all entries relative thereto, or such abstract of such registered documents as may be desired, certified by such other Registrar and fairly transcribed in properly bound books to be furnished by the Municipality, the said copies to be paid for out of the funds furnished as aforesaid at the rate of four pence currency for every hundred words, or such other rate as the Registrar furnishing the same and such Municipal Council may agree upon :—And the Registrar of such new registration division may and shall thereafter grant copies of or extracts from, or make searches and grant certificates, and perform all other official acts with respect to such deeds, instruments, documents or entries, as he might do and would be bound to do if the same had been originally registered and made in his registry office, and may demand and take the like fees therefor :—And such copies, extracts, certificates and acts shall *primâ facie* avail for all purposes as if granted and performed by the Registrar having the custody of the original books, entries and documents to which they relate, saving the right to prove error therein, and the recourse of all parties against such other Registrar as aforesaid, if the error be in the copies furnished by him

Such copies, &c., to be authentic.

to

to the Registrar of such new registration division under this *Act.*

6. Nothing herein contained shall impair the effect of the Act passed in the eighteenth year of Her Majesty's Reign, intituled, *An Act to establish a Registry Office in and for each Electoral County in Lower Canada*, or shall prevent either of the Counties of Saguenay and Charlevoix or Chicoutimi from becoming a registration County under the provisions of the said Act. Act not to prevent the effect of 18 V. c. 99.

7. So much of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to divide the County of Saguenay into two divisions for the registration of deeds*, or of any other Act or law as may be inconsistent with this Act, is hereby repealed. Inconsistent provisions of 12 V. c. 131, &c., repealed.

8. This Act shall have force and effect upon, from and after the first day of October next. Commencement of Act.

9. The Interpretation Act shall apply to this Act. Interpretation.

10. This Act shall be deemed a Public Act. Public Act.

CAP. XXXVI.

An Act to divide the Township of Hemmingford, in the County of Huntingdon, into two separate Municipalities.

[*Assented to 24th July*, 1858.]

WHEREAS certain of the inhabitants of the Township of Hemmingford, in the County of Huntingdon, have, by their petition, represented, that the welfare and convenience of those residing in the western section of the said Township would be greatly promoted if the said Township of Hemmingford were divided into two Municipalities, and have prayed that it may be so divided, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. Upon, from and after the first day of January, one thousand eight hundred and fifty-nine, so much of the present Township of Hemmingford as lies in the first range of said Township, from lot number twenty-one to lot number forty-two; in the second range, from the centre of the by-road on lot number seventy-two to lot number ninety-three; in the third range, from the centre of the said by-road, on lot number one hundred and eighteen, to lot number one hundred and thirty-seven; in the fourth range, from the centre of the said by-road, on lot number one hundred and sixty to lot number one New township of Havelock described and constituted after 1st January 1859.

one hundred and seventy-four; in the fifth range, from lot number one hundred and ninety-six to number two hundred and six; in the first range of the Clergy Reserve lands, in the said Township, from lot number eleven to lot number fifteen, and lots numbers ten and eleven in the second range of the said Clergy Reserve lands,—including all lots and parts of lots hereinabove mentioned,—shall be separated from the present Township of Hemmingford, and shall form a distinct Township and Local Municipality, under the name of the Township of Havelock, and the said Township of Havelock shall hereafter be deemed to be such separate Municipality for all municipal, school, judicial and other purposes whatsoever, in the same manner and to all intents and purposes as though the said Township of Havelock had always been distinct from, and had never formed part of the said Township of Hemmingford, and shall enjoy and exercise all the rights, powers and privileges conferred by any Acts or laws whatsoever upon Township Municipalities in Lower Canada; and the remainder of the said present Township shall constitute and remain the Township Municipality of Hemmingford; and so many of the present Municipal Councillors and School Commissioners as reside within the Township of Hemmingford as hereby constituted, shall, notwithstanding this Act, remain in office, and continue to be Members of the Municipal Council and School Commissioners for the Township of Hemmingford as limited by this Act, until they vacate their seats in due course of law.

To be a township for all purposes.

Remainder of Hemmingford to be a township.

Division of township not to take place until approved at a meeting of the Municipal Electors.

2. No division of the Township shall however take place unless the same shall have been approved of at a public meeting of the Municipal Electors of the said Township of Hemmingford, to be called by the Mayor of the said Township, or in his default, by the Senior Justice of the Peace residing therein, by posting up a notice of at least eight days indicating the time, place and object of the same, in at least four public places in the said Township, such meeting to be held before the first day of December next, at the place where the poll at the last General Election was held; at which meeting the question shall be submitted to the said Electors: and if at such meeting a poll is demanded by six electors, the votes of the electors shall be taken in the manner provided for in the case of a By-law of a Municipality for creating a debt for the purpose of subscribing for stock in a Railway Company.

Poll if demanded.

Debts, &c., of the present Township (if any) how to be paid off.

3. The present debts, obligations and liabilities of the present Township of Hemmingford (if any there be) shall be assumed by the Township of Hemmingford as hereafter to be constituted; and to enable the said Township to provide for the payment thereof, the Municipality thereof shall be entitled to have and receive all rates and assessments which may be due and collectable in the present Township of Hemmingford at the time of the passing of this Act, and in the event of the amount received from such rates and assessments not being sufficient

sufficient for the payment in full of the said liabilities, it shall be lawful for the County Council of the County of Huntingdon to pass a By-law, providing for a special assessment to be levied in the Township Municipalities hereby constituted, of an amount sufficient for the complete discharge of joint debts and liabilities as may be then still unprovided for.

Division of any surplus fund.

4. And in the event of any surplus funds remaining in the hands of the Secretary-Treasurer for the present Township of Hemmingford, after all the liabilities of the said Township have been paid and satisfied, it shall be the duty of the said Secretary-Treasurer to make an apportionment thereof between the two Municipalities hereby constituted, such apportionment to be based upon the value of the assessable property in each of the said Municipalities, as shewn by the last Valuation Roll for the present Township of Hemmingford.

Public Act.

5. This Act shall be deemed a Public Act.

CAP. XXXVII.

An Act to authorize the Municipality of the Parish of Ste. Marguerite de Blairfindie, to open a certain road.

[*Assented to 24th July*, 1858.]

Preamble.

WHEREAS it is expedient to open a road in the Municipality of the Parish of Ste. Marguerite de Blairfindie, in the County of St. John, in Lower Canada, extending from the southern extremity of the Range of La Carrière to the range adjoining the Seignorial line, in the said parish of Ste. Marguerite de Blairfindie, and to facilitate communication in the said parish, and to amend the eleventh paragraph of the fifty-second section of the Lower Canada Municipal and Road Act of 1855: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Paragraph 11 of section 52 of 18 V. c. 100.

Council of the Parish empowered to open a certain road

1. The Municipal Council of the said Parish of Ste. Marguerite de Blairfindie shall be empowered, upon *procès-verbal* duly homologated before it, in conformity with the Lower Canada Municipal and Road Act of 1855, to open a road or communication, commencing at the southern extremity of the Range of La Carrière, and terminating at the range adjoining the Seignorial line, (including the two said ranges), in the line separating the land of David Roy from that of Dame Veuve Eloi Roy, or their representatives; and the said road shall not have less than twenty-four feet in width, nor more than thirty feet between the ditches, and shall be graded and drained in the manner prescribed by the said Lower Canada Municipal and Road Act of 1855, notwithstanding any provision under the

Width and quality of the road.

the said Act to the contrary, and specially the eleventh paragraph of the fifty-second section thereof; Provided that the compensation to be paid by the said Municipality to the proprietors of the land taken for the opening of the said road, shall be established, regulated and paid, subject to the conditions and in the manner prescribed by the said Lower Canada Municipal and Road Act of 1855.

Proviso

Public Act.

2. This Act shall be deemed a Public Act.

CAP. XXXVIII.

An Act in relation to certain registrations affecting lands in the Township of Acton, and in that part of the Township of Upton situate in the County of Bagot, in the District of St. Hyacinth.

[*Assented to 24th July*, 1858.]

Preamble.

WHEREAS doubts exist as to the validity of the registration of certain deeds, judicial proceedings, judgments and other documents, affecting and hypothecating certain lands situate in the Township of Acton, in that part of the Township of Upton which was annexed to the former County of St. Hyacinth, by the thirty-fifth section of the Act sixteenth Victoria, chapter one hundred and ninety-four, and in that part of the said township of Upton, which was annexed to the County of Bagot, by the Act eighteenth Victoria, chapter seventy-six; And whereas it is highly important to remove such doubts: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Actes, &c., affecting lands in Acton and part of Upton registered since June, 1853, in St. Hyacinth or Drummond, declared legally registered if registered as herein mentioned.

1. All deeds, judicial proceedings, judgments, and other documents, of whatsoever nature, affecting and hypothecating any lands situate in the Township of Acton, and in the said part of the Township of Upton, which was annexed to the said former county of St. Hyacinth, by the said Act sixteenth Victoria chapter one hundred and ninety-four, and which have been registered since the fourteenth day of June, one thousand eight hundred and fifty-three, and also all deeds, judicial proceedings, judgments and other documents of whatsoever nature, affecting and hypothecating lands situate in the said other part of the Township of Upton, which was annexed to the County of Bagot, by the said Act eighteenth Victoria chapter seventy-six, and which have been registered since the nineteenth day of May, one thousand eight hundred and fifty-five, either in the Registry Office for the County of Drummond, or in the Registry Office for the County of St. Hyacinth, shall be deemed and they are hereby declared to have been and to be legally registered, whether such registrations thereof have been effected in the

the Registry Office for the County of Drummond, or in the Registry Office for the County of St. Hyacinth.

Such *Actes*, &c., to be registered hereafter in County of Bagot when a Registry Office shall be opened; and how until that time.

2. From and after the passing of this Act, all titles and other documents whatsoever, the registration of which is required by law for the preservation of the privileged or hypothecary claims of parties interested therein, and which relate to lands and tenements situate in the said Township of Acton, and in that part of the said Township of Upton which now lies within the limits of the County of Bagot, in the District of St. Hyacinth, shall hereafter be enregistered in the Registry Office for the County of St. Hyacinth, until such time as a Registry Office shall have been constituted and established, according to law, in the County of Bagot, in which county in such case such registration shall be effected, and in which all subsequent proceedings shall be taken, in conformity with the laws which shall be then in force in this Province.

Copies of certain documents to be furnished by the proper Registrars.

3. The local Municipality of the Township of Aeton, or the local Municipality of the said part of the said Township of Upton, now included in the County of Bagot, or the Municipality of the said County or the three Municipalities together after having provided the funds to meet the requisite expenses, may require from the Registrar for the County of Drummond, copies of the registrations effected in his office, of *actes*, judicial proceedings, judgments and other documents affecting and hypothecating real property situate in the said Township of Acton, and in that part of the said Township of Upton, now included in the said County of Bagot, or of such extracts from such documents so enregistered as may be required.

How to be certified, transcribed and paid for.

4. The said copies or extracts shall be certified by the said Registrar for the County of Drummond, and shall be transcribed legibly and in order in books suitably bound to be provided by the said Municipalities, or such one of them as shall have required the said copies or extracts, which the said Registrar for the County of Drummond shall be bound to make and furnish upon being paid therefor out of the funds to be provided as aforesaid, at the rate of four pence currency for every hundred words of such copies or extracts, or such other sum as may be agreed upon between the said Registrar and the said Municipalities separately or collectively.

Registrar of Drummond to transmit such copies to St. Hyacinth on being paid for the same.

5. The said Registrar for the County of Drummond upon receiving payment as aforesaid, shall be bound to transmit the said copies or extracts to the Registry Office for the County of St. Hyacinth, and it shall be lawful thereafter for the Registrar for the said County to give copies and certificates and to perform all such other official acts in relation thereto, as he would do and would be bound to do if the said deeds and other documents had been originally enregistered and made in his own Registry Office, and to demand and receive the same fees therefor, and such

such extracts, copies, certificates and acts, shall *primâ facie* have the same effect as though they had been given and executed by the said Registrar for the County of Drummond, who had the custody of the books, entries and original documents to which they relate, saving however the right of any party to prove error therein, and the recourse of any party against the said Registrar for the County of Drummond, if the error be found in the copies furnished by him to the said Registrar for the County of St. Hyacinth.

Proceeding when a Registry Office is established in Bagot.

6. So soon as a Registry Office shall have been legally constituted and established within the limits of the said County of Bagot, the Registrar for the County of St. Hyacinth, shall then be bound when required so to do, to transmit to the Registrar for the said County of Bagot, the book or books containing the said copies or extracts which shall have been furnished in virtue of this Act, by the Registrar for the County of Drummond, and this without any remuneration.

Contrary provisions repealed.

7. All provisions of law inconsistent with this Act, shall be and they are hereby repealed.

Public Act.

8. This Act shall be deemed a Public Act, and the Interpretation Act shall apply thereto.

CAP. XXXIX.

An Act to divide the Township of Chester into two separate Townships and Local and School Municipalities.

[*Assented to 24th July*, 1858.]

Preamble.

WHEREAS the eastern and western parts of the Township of Chester, in the County of Arthabaska, are divided from each other by a mountainous tract of country and have no direct practicable communication by road, and it is expedient to constitute the same into two separate Townships and Local and School Municipalities, bounded as hereinafter is set forth: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Township of East Chester constituted.

1. From and after the first day of January next, the whole of the first, second, third, fourth and fifth ranges of the Township of Chester, and the lots numbered from number thirteen to number twenty-eight, both inclusive, of the first range (formerly so called) of the Township of Halifax, which, by the Act passed in the twentieth year of Her Majesty's Reign, intituled, 20 V. c. 134. *An Act to alter the limits of the Township of Halifax and the Parish of St. Norbert d'Arthabaska*, were detached from the said Township of Halifax and from the County of Megantic, and

and were declared to be annexed to the Parish of St. Norbert d'Arthabaska, in the County of Arthabaska, shall together form a separate Township and Local and School Municipality in the County of Arthabaska, under the name of the Township of East Chester, and shall have all the rights, powers and privileges of a separate Township Municipality under the Lower Canada Municipal and Road Act of 1855, and the several Acts amending the same; and also, of a separate School Municipality under the School Laws of Lower Canada. To be a Local Municipality for all purposes.

2. From and after the same day, all that part of the remainder of the said Township of Chester, not now comprised within the Parish of St. Christophe d'Arthabaska, shall form a separate Township and Local and School Municipality in the County of Arthabaska, under the name of the Township of West Chester, with the like rights, powers and privileges. Township of West Chester constituted.

3. This Act shall not be held to discharge any of the lands comprised within either of the said two new Townships, from any liability attaching to them, as having formed part of the Township of Halifax, or Parish of St. Norbert d'Arthabaska, or Township of Chester, respectively, nor yet to affect, declaratorily or otherwise, the limits of the said Parish of St. Norbert d'Arthabaska, save only as expressly hereby set forth, that is to say, save only for Municipal, Electoral and School purposes, and from and after the said first day of January next. Act not to discharge lands in new townships from certain liabilities, &c.

4. This Act shall be deemed a Public Act. Public Act.

CAP. XL.

An Act to separate part of the Township of Maddington from the County of Arthabaska and to annex it to the County of Nicolet.

[*Assented to 24th July*, 1858.]

WHEREAS the inhabitants of the north part of the Township of Maddington have by their petitions represented, that it is greatly to their detriment that the part of the said Township in which they reside has been annexed to the County of Arthabaska instead of, as heretofore, forming part of the County of Nicolet, in which all their interests are centred; And whereas by reason of the distance and the want of roads, they can only with difficulty reach the *chef-lieu* of the County of Arthabaska, whilst the *chef-lieu* of the County of Nicolet is only about nine miles distant from that part of the said Township, and is accessible therefrom by good roads; And whereas for these and other reasons it is desirable that the north part of the said Township should be separated from the County of Arthabaska and be annexed to the County of Nicolet, for all purposes whatsoever: Therefore, Her Majesty, by and with the Preamble.

the advice and consent of the Legislative Council and Assembly of Canada, enacts af follows :

Part of Maddington annexed to Nicolet County.

1. From and after the passing of this Act, all that part of the Township of Maddington situate to the north of the north line of the eleventh range of the said Township, shall be and is hereby separated from the County of Arthabaska and shall form part of the County of Nicolet and District of Three-Rivers, for municipal, judicial, representation and registration purposes, and generally for all other purposes whatsoever, any law to the contrary notwithstanding; Provided always that nothing in this Act shall affect any suit pending when it comes into force.

Proviso.

Public Act.

2. This Act shall be deemed a Public Act.

CAP. XLI.

An Act to incorporate the Town of Stratford.

[*Assented to 24th July*, 1858.]

Preamble.

WHEREAS the Municipal Council of the Village of Stratford has prayed the Legislature to incorporate the same as a Town, and to extend the limits thereof; And whereas from the large and rapidly increasing population of Stratford, and from its being the County Town of the County of Perth, and being a station both of the Grand Trunk and Buffalo and Lake Huron Railways, it is expedient and necessary to grant the prayer of said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Stratford incorporated as a Town, with certain additions to its limits.

1. The Village of Stratford, as described and defined by limits under the Royal Proclamation, bearing date the twenty-third day of September, in the year of our Lord, one thousand eight hundred and fifty-three, together with the following additions, namely,—Lots numbers four and five in the first Concession of the Township of Downie; lots numbers four and five in the first Concession of the Township of Ellice, and lot number forty-six in the second Concession of the Township of North Easthope,—shall, from and after the first day of January, in the year of our Lord, one thousand eight hundred and fifty-nine, be incorporated as a Town to be called the Town of Stratford, with the rights, powers and privileges of incorporated towns in general, and as if the said town had been mentioned and included in the Schedule B annexed to the Upper Canada Municipal Corporations Act of 1849, and with the rights, powers and privileges which shall by virtue of any Act or parts of Acts now in force in Upper Canada, or which shall hereafter be in force, belong to incorporated towns in general; and all the rules, regulations, provisions and enactments therein contained, or which shall in any wise relate or belong to the same, shall apply to the town

Rights and powers of the Corporation.

town of Stratford as fully as if the said town had been contained in the said Schedule B, with the exception hereinafter made as regards the first Municipal election.

Division into five Wards.

2. The said Town of Stratford shall be divided into five Wards, the bounds and designations of which shall be as follows, that is to say:

Shakspeare Ward.

1. Shakspeare Ward shall comprise that portion of the town formerly forming part of the Gore of the Township of Downie, bounded on the west by the centre of Erie street, on the east by the centre of Downie Road, on the north by the centre of Ontario street, and on the south by the town limits;

Avon Ward.

2. Avon Ward shall comprise that portion of the town formerly forming part of the said Township of Downie, north of the River Avon, and that part of the Township of Ellice west of the Stratford Northern Gravel Road, bounded on the south by the centre of the River Avon, on the east by the centres of Huron, St. George, Mornington and Wellesley streets and the Stratford Northern Gravel Road, and on the north and west by the town limits;

Hamlet Ward.

3. Hamlet Ward shall comprise that portion of the town formerly forming part of said Township of Downie, south of the River Avon, bounded on the north by the centre of the River Avon and the centres of Huron and Ontario streets, on the east by the centre of Erie street, and on the south and west by the town limits;

Romeo Ward.

4. Romeo Ward shall comprise that portion of the town formerly forming part of the Township of South Easthope, bounded on the north by the centre of Ontario street, on the west by the centre of the Downie road, and on the east and south by the town limits;

Falstaff Ward.

5. Falstaff Ward shall comprise that portion of the town formerly forming parts of the Townships of North Easthope and Ellice, east of the centre of the Stratford Northern Gravel Road, bounded on the south by the centre of Ontario street, on the west by the centres of Huron, St. George, Mornington, and Wellesley streets, and the said Stratford Northern Gravel Road, and on the north and east by the town limits.

Returning officer and Deputies at the first election.

3. The Clerk of the Municipality of Stratford for the time being shall be *ex officio* Returning Officer for the purpose of holding the first Municipal Election under this Act, and shall on or before the first day of December next after the passing of this Act, by his warrant, appoint a Deputy Returning Officer for each of the five Wards into which the said town of Stratford is hereby divided, to hold the first election therein; and each Deputy Returning Officer in the discharge of his duty

shall be subject to all the provisions of the Upper Canada Municipal Corporations Acts applicable to the first elections in towns incorporated under the said Acts.

Public Act.

4. This Act shall be deemed a Public Act.

CAP. XLII.

An Act to incorporate the Village of Southampton, in the County of Bruce.

[*Assented to 24th July*, 1858.]

Preamble.

WHEREAS the inhabitants of the Village of Southampton, in the County of Bruce, have by their petition represented, that from the rapid increase of the population of the said village, it has become necessary to confer upon it corporate powers, and have prayed that it may be incorporated accordingly, and it is desirable to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Southampton incorporated as a village.

1. From and after the passing of this Act, the inhabitants of the said village of Southampton, shall be a body corporate apart from the Township of Saugeen, in which the said village is situate; and as such shall have perpetual succession and a common seal, with such powers and privileges as are now or shall hereafter be conferred on incorporated villages in Upper Canada, and the powers of such corporation shall be exercised by, through, and in the name of the municipality of the village of Southampton.

Boundaries of the village.

2. The said village shall comprise and consist of the tract of land bounded as follows, that is to say: commencing at the north-westerly angle of farm lot number nine in the twelfth concession of the Township of Saugeen; thence, running northerly along the western boundary of lots number nine in the thirteenth, fourteenth, fifteenth and sixteenth concessions of the said Township; thence, running easterly along the northern boundary of the aforesaid sixteenth concession to, and across the Saugeen River; thence, northerly and westerly along the bank of said River, to the eastern boundary of Craig Street, on a line produced; thence, running northerly along the eastern boundary of said Street to Lake Huron, and into the said Lake on the line of said street produced, five hundred yards; thence, running southerly, keeping a distance of five hundred yards from the shore of Lake Huron, and parallel thereto, to the southern boundary on a line produced, of the allowance for road between the twelfth and thirteenth concessions of the said Township of Saugeen; thence, running easterly along the southern boundary of said allowance for road, to the place of beginning.

E.

Governor to appoint a Returning Officer.

3. Immediately after the passing of this Act, it shall be lawful for the Governor of this Province to appoint a Returning Officer for the said village of Southampton, which Returning Officer shall appoint the time and place for holding the first election in the said village, of which appointment the said Returning Officer shall give notice in a newspaper published in the said village, or if there be no newspaper published there, then by notices posted in at least three conspicuous places in the said village ten days before the said election.

Notice of election.

His duties: Qualification of voters.

4. The duties of the said Returning Officer, and the qualifications of voters and persons elected as Councillors at such first election, shall be as prescribed by law with respect to townships in Upper Canada.

Copy of Collector's Roll to be furnished to Returning Officer.

5. The Collector or Township Clerk of the Township of Saugeen, or other person having the legal custody of the Collector's Roll of that Township, for the year of our Lord one thousand eight hundred and fifty-seven, shall furnish to the said Returning Officer, on demand made by him for the same, a true copy of such Roll, so far as the same relates to voters resident in the said village, and so far as such Roll contains the names of the male freeholders and householders rated upon such Roll in respect of real property lying within such limits, the amount of the assessed value of such property for which they shall be respectively rated on such Roll, which copy shall be verified on oath, or as is now required by law.

Returning Officer to be sworn.

6. The said Returning Officer, before holding the said Election, shall take the oath or affirmation now required by law to be taken by Returning Officers for incorporated villages in Upper Canada.

Subsequent elections to be as in other places.

7. Elections for Councillors for the said village of Southampton, after the year one thousand eight hundred and fifty-eight, shall be held in conformity with the provisions of law applying to incorporated villages in Upper Canada.

Oaths of Officer, &c.

8. The several persons who shall be elected or appointed under this Act, shall take the same oaths of office and of qualification now prescribed by law.

Number and powers of Councillors, &c.

9. The number of Councillors to be elected under this Act shall be five, and they shall be organized as a Council in the same manner as in villages incorporated under the provisions of the Upper Canada Municipal Acts, and have, use and exercise the same powers and privileges as in the said incorporated villages.

Village separated from Township.

10. From and after the passing of this Act, the said village shall cease to form part of the said township of Saugeen, and shall, to all intents and purposes, form a separate and independent municipality, with all the privileges and rights of an

Proviso as to existing debts.

incorporated village in Upper Canada; but nothing herein contained shall affect or be construed to affect any taxes imposed for the payment of any debts contracted by the township of Saugeen aforesaid, but the said village of Southampton shall be liable to pay to the Treasurer of the township of Saugeen aforesaid, in each and every year, until any such existing debt be fully discharged, the same amount which was collected within the said described limits of the said village towards the payment of such debt for the year one thousand eight hundred and fifty-seven, and the same shall be a debt against the said village.

New township councillor to be elected in place of any one residing in Southampton.

11. Any Councillor elected to serve in the township Council of the said township of Saugeen, for the present year, and residing within the above prescribed limits of the said village, shall, immediately on the passing of this Act, cease to be such Councillor, and the duly qualified electors of the said township of Saugeen, not included in the said limits, shall thereupon proceed to elect a new Councillor or Councillors, as the case may be, to serve in the Council of the said township, for the remainder of the year, as in the case of death or resignation provided for by the Municipal laws of Upper Canada.

Township officers not to collect taxes in the village during 1858; how the village taxes for this year shall be raised.

12. The officers of the said Council of the township of Saugeen, shall not proceed to collect any rate or assessment imposed by the said Council for the present year, within the limits of the said village, but the amount which may be required for the purposes of the said village within the present year, shall be based on the assessment of the township Assessor or Assessors for the present year, and shall be collected by the officer or officers to be appointed by the said village Council for that purpose: Provided always, that nothing herein contained shall affect any school section or school rate for the present year, nor the right of any school section to any money already set apart for school purposes; And provided further, that the said village of Southampton shall be entitled to recover from the said township of Saugeen such share of all money apportioned to such township from the Upper Canada Municipalities Fund, prior to the passing of this Act, as shall bear the same proportion to the whole sum so apportioned to the said township as the number of rate payers resident within the limits of the said village, as shewn by the Collector's Roll of eighteen hundred and fifty-eight, bears to the whole number of rate-payers of the said township; And also provided further, that the said village of Southampton shall be entitled to recover from the said township of Saugeen all money which may have been collected by the said Township for all tavern, shop and auctioneer licenses granted within the limits of the said village for the year eighteen hundred and fifty-eight.

Proviso as to school rates.

Proviso: as to share of Clergy Reserve Fund.

Proviso: as to tavern, shop, and auctioneer's licenses.

13. The Clerk of the said township shall, and he is hereby required, to furnish to the Clerk to be appointed by the Council of the said village, on demand made by him therefor, a true copy of the Assessment Roll for the present year, so far as the same shall contain the rateable property assessed within the said village, and the names of the owners thereof. Requisite proportion of Assessment Roll to be furnished for Southampton.

14. The expenses of any assessment imposed for the present year, so far as the same shall relate to assessments made within the limits of the said village, and the expenses of furnishing any documents, or copies of papers and writings, by the Clerk or other officer of the Council of the said township, hereinbefore referred to, or required to be furnished, shall be borne and paid by the said village Council to the said township Council or otherwise as the said Township Council shall require. As to expenses of assessments for 1858, &c.

15. It shall not be lawful for the Municipal Council of the said village to levy in any one year upon the rateable property of the said village, for the local purposes of the said village, a higher rate than one shilling in the pound on the annual value of the said property as shewn by the Assessment Roll. Taxes for local purposes limited.

16. Every By-law which shall be passed by the said Municipal Council for the purpose of affording pecuniary aid towards the construction of any public work not entirely within the limits of the said village, or for any other purpose, and whereby any annual rate mentioned in the next preceding section will be increased beyond one shilling in the pound on the annual value of the rateable property of said village, shall, before its final passing, receive the assent of at least two thirds of the Municipal Electors of the said village, at an Election to be held for that purpose. Certain By-laws to be submitted to the rate payers.

17. From and after the passing of this Act, it shall and may be lawful for the Municipal Council of the said village by By-law to set apart for any special purpose, which special purpose shall be mentioned in such By-law, the whole or any part of the non-resident Land Fund now accruing, or which hereafter may accrue from property in the said village, and to expend the money arising from such Fund in improvements to be made in the said village. Council may set apart non-resident land fund for certain purposes.

18. This Act shall be deemed a Public Act. Public Act.

CAP.

CAP. XLIII.

An Act to incorporate the Village of Pembroke, in the County of Renfrew.

[*Assented to 24th July*, 1858.]

Preamble. WHEREAS the inhabitants of the Village of Pembroke, in the County of Renfrew, have by their petition represented that from the rapid increase of the population of the said Village, it has become necessary to confer upon it corporate powers, and prayed that it may be incorporated accordingly, and it is desirable to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Pembroke incorporated as a Village. **1.** From and after the passing of this Act, the inhabitants of the Village of Pembroke shall be a body corporate apart from the Township of Pembroke, in which the said Village is situate, and as such shall have perpetual succession and a common seal with such powers and privileges as are now or shall be hereafter conferred on incorporated villages in Upper Canada; and the powers of such Corporation shall be exercised by, through and in the name of the Municipality of the Village of Pembroke.

Boundaries of Village of Pembroke. **2.** The incorporated Village of Pembroke shall comprise the limits and boundaries of the present Police Village of Pembroke as defined by the County Council of the United Counties of Lanark and Renfrew.

Municipal Council to appoint Returning Officer. **3.** The Municipal Council of the Township of Pembroke shall, and may, after the passing of this Act, and within one month thereafter, appoint a fit and proper person to be Returning Officer for holding the first Municipal election in and for the said Village of Pembroke, under this Act, which Returning Officer shall appoint a time and place for holding such election,

Notice of election. of which appointment he shall give notice in the newspaper published in the said Village, ten days before the said election.

Returning Officer's duties. **4.** The duties of the said Returning Officer, and the qualifications of voters and persons elected as Councillors at such first election, shall be as prescribed by law with respect to Townships in Upper Canada.

Copy of Collector's Roll to be furnished to Returning Officer. **5.** The Collector or Township Clerk of the Township of Pembroke, or other person having the legal custody of the Collector's Roll of that township, for the year of our Lord, one thousand eight hundred and fifty-eight, shall furnish to the said Returning Officer, on demand made by him for the same, a true copy

copy of such Roll, and so far as such Roll contains the names of the male freeholders and householders rated upon such Roll, in respect of real property lying within such limits, the amount of the assessed value of such property for which they shall be respectively rated on such Roll, which copy shall be verified on oath, or as is now required by law.

Returning Officer to be sworn.

6. The said Returning Officer, before holding the said election, shall take the oath or affirmation now required by law to be taken by Returning Officers for incorporated Villages in Upper Canada.

Subsequent elections to be as in other places.

7. Elections for Councillors for the said Village of Pembroke, after the year one thousand eight hundred and fifty-nine, shall be held in conformity with the provisions of law applying to incorporated Villages in Upper Canada; the election for the year one thousand eight hundred and fifty-nine shall be held as is hereinbefore provided for the said first election, copies of the Rolls of the said Township for the year one thousand eight hundred and fifty-eight being required to be furnished in the same manner as is provided and required for the said first election, and the Returning Officer for the said election for one thousand eight hundred and fifty-nine, shall be appointed by the Council of the said Village of Pembroke, at their last meeting in the year one thousand eight hundred and fifty-eight, held before the twentieth day of December in that year.

Oaths of officers, &c.

8. The several persons who shall be elected or appointed under this Act, shall take the oath of office and of qualification now prescribed by law.

Number and powers of Councillors, &c.

9. The number of Councillors to be elected under this Act shall be five, and they shall be organized as a Council in the same manner as in Villages incorporated under the provisions of the Upper Canada Municipal Acts, and have, use and exercise the same powers and privileges as in the said incorporated Villages.

Village to be separate from Township.

Proviso, as to existing debts.

10. From and after the passing of this Act the said Village shall cease to form part of the said Township of Pembroke, and shall to all intents and purposes form a separate and independent Municipality, with all the privileges and rights of an incorporated Village in Upper Canada; but nothing herein contained shall affect or be construed to affect any taxes imposed for the payment of any debts contracted by the Township of Pembroke aforesaid, but the said Village of Pembroke shall be liable to pay to the Treasurer of the Township of Pembroke aforesaid, in each and every year until any such existing debt be fully discharged, the same amount or the same proportion which was collected in the year one thousand eight hundred and fifty-seven, for the payment of such debt, within the said described limits of the said Village.

11.

New Township Councillors to be elected in place of any residing in said Village.

11. Any Councillor elected to serve in the Township Council of the said Township of Pembroke, for the present year, and residing within the limits of the said Village, as above described, shall, immediately on the passing of this Act, cease to be such Councillor, and the duly qualified electors of the said Township of Pembroke not included in the said limits, shall thereupon proceed to elect a new Councillor or Councillors, as the case may be, to serve in the Council of the said Township for the remainder of the year, as in the case of the death or resignation of Councillors provided for by the Municipal Acts of Upper Canada.

Township officers not to collect any taxes within the Village during 1858.

How Village tax to be raised.

Proviso, as to school rate.

12. The officers of the said Council of the Township of Pembroke shall not proceed to collect any rate or assessment imposed by the said Council for the present year, within the limits of the said Village, but the amount which may be required for the purposes of the Village for the present year, shall be based on the assessment of the Township Assessor for the present year, and shall be collected by the officer or officers to be appointed by the said Village Council for that purpose; Provided always that nothing herein contained shall affect any school section or school rate for the present year, nor the right of any school section to any money already set apart for school purposes.

Requisite proportion of assessment roll to be furnished for said Village.

13. The Clerk of the said Township shall, and he is hereby required to furnish to the Clerk to be appointed by the Council of the said Village, on demand made to him therefor, a true copy of the Assessment Roll for the present year, so far as the same shall contain the rateable property assessed within the said Village, and the names of the owners thereof.

As to expenses of assessments, &c., for 1858.

14. The expenses of any assessment made for the present year, so far as the same shall relate to assessments made within the limits of the said Village, and the expenses of furnishing any documents or copies of papers and writings by the Clerk or other officer of the Council of the said Township hereinbefore referred to, or required to be furnished, shall be borne and paid by the said Village Council to the said Township Council or otherwise, as the said Township Council may require.

Public Act.

15. This Act shall be deemed a Public Act.

CAP. XLIV.

An Act to amend the Act intituled, *An Act to incorporate the Village of Kemptville*, and to change the limits of the said Village.

[*Assented to 21th July*, 1858.]

Preamble. WHEREAS it appears by the petition of the Municipality of the Village of Kemptville, and of sundry inhabitants of the said Village, that the inhabitants of that Municipality are desirous of changing the limits of the said Municipality: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Schedule to this Act substituted to that to 20 V. c. 99. 1. The Schedule to the Act passed in the twentieth year of the Reign of Her Majesty, intituled, *An Act to incorporate the Village of Kemptville*, shall be and the same is hereby repealed, and the following Schedule shall be substituted therefor:

SCHEDULE.

BOUNDARIES OF THE VILLAGE OF KEMPTVILLE.

Commencing in front of the third concession of the Township of Oxford, at a post planted on lot number twenty-six, between land owned by William Henry Bottam, Esquire, and land owned by the Reverend Henry Patton; thence, southward, along the line between the land of the said William Henry Bottam and the Reverend Henry Patton, in its different bearings, to a certain piece of land used and occupied for a Grammar School House; thence, along the western boundary of said School land to the public highway; thence, southward, along the eastern boundary of land now owned by the said William Henry Bottam, to the centre of the south branch of the River Rideau; thence, along the centre of the said south branch of the River Rideau, a north-eastern course, to the side line between lots twenty-six and twenty-seven; thence, southward, along the said line between lots numbers twenty-six and twenty-seven to the rear of the said third concession; thence, eastward, along the rear of the said third concession to the easterly limit of lot number twenty-eight, in the said third concession; thence, northward, along the side line between lots numbers twenty-eight and twenty-nine to the front of the said third concession; thence, westerly, along the front line of the said third concession, to the place of beginning.

CAP. XLV.

An Act to incorporate the Village of Embro.

[*Assented to 24th July*, 1858.]

Preamble. WHEREAS the Inhabitants of the Village of Embro, in the County of Oxford, have by their Petition represented, that from the rapid increase of the population of the said Village, it has become necessary to confer upon it corporate powers, and have prayed that it may be incorporated accordingly, and it is desirable to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Embro incorporated as a village. **1.** From and after the passing of this Act, the inhabitants of the said Village of Embro shall be a body corporate apart from the Township of West Zorra, in which the said Village is situate, and as such shall have perpetual succession and a common seal, with such powers and privileges as are now or shall hereafter be conferred on Incorporated Villages in Upper Canada, and the powers of such corporation shall be exercised by, through and in the name of the Municipality of the Village of Embro.

Boundaries of the village. **2.** The said Village shall consist of the east half of each of the lots numbers Eleven and Fourteen, and lots Twelve and Thirteen in the Fourth Concession, and of lots numbers Eleven, Twelve, Thirteen and Fourteen, in the Fifth Concession of the Township of West Zorra.

Returning Officer at first election. **3.** Immediately after the passing of this Act, it shall be lawful for the Governor of this Province to appoint a Returning Officer for the said Village of Embro, which Returning Officer shall appoint the time and place for holding the first Election in the said Village, of which appointment the said Returning Officer shall give notice in a newspaper published in the said Village, or if there be no newspaper published there, then by notices posted in at least three conspicuous places in the said Village, ten days before the said Election.

His duties: Qualification of voters. **4.** The duties of the said Returning Officer, and the qualification of the voters and persons elected as Councillors at such first Election, shall be as prescribed by law with respect to Townships in Upper Canada.

Copies of the proper Collector's Roll to be furnished to Returning Officer. **5.** The Collector or Township Clerk of the Township of West Zorra, or other person having the legal custody of the Collector's Roll of that Township for the year of Our Lord one thousand eight hundred and fifty-seven, shall furnish to the said Returning Officer on demand made by him for the same,

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a true copy of such Roll so far as the same relates to Voters resident in the said Village, and, so far as such Roll contains the names of the male freeholders and householders rated upon such Roll in respect of real property lying within such limits, the amount of the assessed value of such real property for which they shall be respectively rated on such Roll, which copy shall be verified on oath, or as is now required by law.

His oath of office.

6. The said Returning Officer, before holding the said Election, shall take the oath or affirmation now required by law to be taken by Returning Officers for Incorporated Villages in Upper Canada.

Elections after 1859, to be as in other places.

7. Elections for Councillors for the said Village of Embro, after the year one thousand eight hundred and fifty-nine, shall be held in conformity with the provisions of law applying to Incorporated Villages in Upper Canada; the election for the year one thousand nine hundred and fifty-nine shall be held as is hereinbefore provided for the said first election; copies of the rolls of the said Township for the year one thousand eight hundred and fifty-eight being required to be furnished in the same manner as is provided and required for said first election, and the Returning Officer for the said election for one thousand eight hundred and fifty-nine shall be appointed by the Council of said Village of Embro, at their last meeting in the year one thousand eight hundred and fifty-eight, held before the twentieth day of December in that year.

Oaths of office, &c.

8. The several persons who shall be elected or appointed under this Act, shall take the same oaths of office and of qualification now prescribed by law.

Number and power of Councillors, &c.

9. The number of Councillors to be elected under this Act shall be five, and they shall be organized as a Council in the same manner as in Villages incorporated under the provisions of the Upper Canada Municipal Corporations Acts, and have, use, and exercise the same powers and privileges as in the said Incorporated Villages.

Village to cease to form part of the Township of West Zorra.

Provision as to existing Township debts.

10. From and after the passing of this Act the said Village shall cease to form part of the said Township of West Zorra, and shall, to all intents and purposes, form a separate and independent Municipality, with all the privileges and rights of an Incorporated Village in Upper Canada; But nothing herein contained shall affect or be construed to affect any taxes imposed for the payment of any debts contracted by the Township of West Zorra aforesaid, but the said Village of Embro shall be liable to pay to the Treasurer of the Township of West Zorra aforesaid, in each and every year until any such debt be fully discharged, the same amount which was collected within the said described limits of the said Village towards the payment of such debt, for the year one thousand eight hundred

hundred and fifty-seven, and the same shall be a debt from the said Village to the said Township.

As to taxes in Embro for 1858.

11. The Officers of the said Council of the Township of West Zorra shall not proceed to collect any rate or assessment imposed by the said Council for the present year, within the limits of the said Village, but the amount which may be required for the purposes of the said Village within the present year, shall be based on the assessment of the Township assessor or assessors for the present year, and shall be collected by the Officers to be appointed by the said Village Councillors for that purpose; Provided always that nothing herein contained shall affect any School section or School-rate for the present year, nor the right of any School section to any money already set apart for School purposes; And provided further, that the said Village of Embro shall be entitled to recover from the said Township of West Zorra, such share of all money apportioned to such Township from the Upper Canada Municipalities Fund, prior to the passing of this Act, as shall bear the same proportion to the whole sum so apportioned to the said Township, as the number of the rate-payers resident within the limits of the said Village as shewn by the Collector's Roll of one thousand eight hundred and fifty-seven, bears to the whole number of rate-payers of the Township.

Proviso as to school rate.

Proviso as to share of U. C. Municipalities Fund.

Requisite portion of Assessment Roll to be furnished for Embro.

12. The Clerk of the said Township shall, and is hereby required, to furnish to the Clerk to be appointed by the Council of the said Village, on demand made to him therefor, a true copy of the Assessment Roll for the present year, so far as the same shall contain the rateable property assessed within the same Village, and the names of the owners or occupiers thereof.

As to expenses of copies of documents, &c.

13. The expenses of furnishing any documents, or copies of papers or writings, by the Clerk or other Officer of the Council of the said Township hereinbefore referred to, or required to be furnished, shall be borne and paid by the said Village Council to the said Township Council, or otherwise as the said Township Council shall require.

Inconsistent enactments repealed.

14. All Acts and provisions of Acts inconsistent with this Act, so far as the same may affect the said Village of Embro, shall be and the same are hereby repealed.

Public Act.

15. This Act shall be deemed a Public Act.

CAP. XLVI.

An Act to incorporate the Village of Welland in the County of Welland.

[*Assented to 24th July*, 1858.]

Preamble.

WHEREAS the inhabitants of the village heretofore known as the Village of Merrittsville have by their petition represented, that the said village contains more than seven hundred and fifty inhabitants, and prayed that the said village may be incorporated as the Village of Welland; And whereas the same was duly represented by petition to His Excellency the Governor in Council, praying for the issuing of a proclamation declaring the said village to be an incorporated village, as the statute provides; but owing to the dissolution of Parliament and other causes, it could not be accomplished in time to take effect before the municipal elections held in January last; And whereas it is right that the prayer of the said petition should be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Village of Welland incorporated.

1. From and after the passing of this Act, the inhabitants of the village heretofore known as the Village of Merrittsville, shall be a body corporate apart from the Townships of Crowland and Thorold, in which the said village is situate, and as such shall have perpetual succession and a common seal, with such powers and privileges as are now or shall hereafter be conferred on incorporated villages in Upper Canada; and the powers of such corporation shall be exercised by and through and in the name of the Municipality of the Village of Welland.

Boundaries of the Village.

2. The said Village of Welland shall comprise and consist of the territory contained within the following named boundaries, that is to say: commencing on the north side of the River Welland, at the north-east corner of lot number two hundred and forty-seven, in the Township of Thorold—thence west along the north ends of lots numbers two hundred and forty-seven, two hundred and forty-eight and two hundred and forty-nine in the said Township of Thorold, to the western boundary of the said lot number two hundred and forty-nine—thence south along the western boundary of the said lot to the River Welland—thence across the said River to the north-west corner of lot number twenty-seven in the fifth concession of the Township of Crowland—thence south along the western boundary of the said lot number twenty-seven to the road allowance between the fifth and sixth concessions of the said Township of Crowland—thence east along the southern boundary of the said lot to the south-west corner of lot number twenty-six in the sixth concession of the said Township of Crowland—thence south across the said road allowance and along the western boundary of lot number twenty-six in the sixth

sixth concession of the said Township of Crowland, twenty-five chains—thence east across the said lot number twenty-six and lot number twenty-five to the allowance for road between lots twenty-five and twenty-four—thence north along the said road allowance to the north side of the road allowance between the said fifth and sixth concessions—thence east along this road allowance to the south-east corner of lot number twenty-three in the said fifth concession—thence north along the road allowance to the north-east corner of lot number twenty-three in the fourth concession—thence west to the River Welland—thence across the River Welland to the place of beginning.

Returning Officer to be appointed by the Governor.

3. Immediately after the passing of this Act, it shall be lawful for the Governor of this Province to appoint a Returning Officer for the said Village of Welland, which Returning Officer shall appoint the time and place of holding the first election in the said Village, of which appointment the said Returning Officer shall give notice in a newspaper published in the County of Welland, and by notices posted in at least three conspicuous places in the said village, ten days before the said election.

His duties, Qualification of voters, &c.

4. The duties of the said Returning Officer and the qualifications of the voters and of the persons elected as Councillors at such first election, shall be as prescribed by law with respect to Townships in Upper Canada.

He shall be furnished with copies of proper part of assessment roll of Crowland and Thorold.

5. The Collectors or Township Clerks of the Townships of Thorold and Crowland, or other persons having the legal custody of the Collector's Rolls of the said Townships respectively for the year of our Lord one thousand eight hundred and fifty-seven, shall furnish to the said Returning Officer, on demand made by him for the same, a true copy of such rolls so far as the same relate to voters resident in the said village, and so far as such rolls contain the names of the male freeholders and householders rated upon such rolls in respect of real property lying within such limits, the amount of the assessed value of such real property for which they shall be respectively rated on such rolls, which copies shall be verified on oath or as is now required by law.

His oath of office.

6. The said Returning Officer, before holding the said election, shall take the oath or affirmation now required by law to be taken by Returning Officers for incorporated villages in Upper Canada.

Election after 1859 to be held as in other Villages.

7. Elections for Councillors for the said Village of Welland, after the year one thousand eight hundred and fifty-nine, shall be held in conformity with the provisions of law applying to incorporated villages in Upper Canada; the election for the year one thousand eight hundred and fifty-nine shall be held as is hereinbefore provided for the said first election; copies of

Copies of

the

the rolls of the said Townships for the year one thousand eight hundred and fifty-eight being required to be furnished in the same manner as is provided and required for said first election, and the Returning Officer for the said election for eighteen hundred and fifty-nine shall be appointed by the Council of the said Village of Welland, at their last meeting in the year one thousand eight hundred and fifty-eight, held before the twentieth of December in that year.

proper parts of Assessment Rolls to be furnished.

8. The several persons who shall be elected or appointed under this Act, shall take the same oaths of office and of qualification as now prescribed by law.

Oaths of Councillors, &c.

9. The number of Councillors to be elected under this Act shall be five, and they shall be organized as a Council in the same manner as in villages incorporated under the Upper Canada Municipal Acts, and have, use and exercise the same privileges as in the said incorporated villages.

Number and powers of Councillors, &c.

10. From and after the passing of this Act, the said Village of Welland shall cease to form part of the said Townships of Thorold and Crowland, and shall to all intents and purposes form a separate and independent Municipality, with all the privileges and rights of an incorporated village in Upper Canada; but nothing herein contained shall affect or be construed to affect any taxes imposed for the payment of any debts contracted by the Townships of Thorold and Crowland, or either of them, but the Treasurer of the Village of Welland shall be liable to pay to the Treasurer of the Township of Thorold or the Treasurer of the Township of Crowland, as the case may be, in each and every year, until any such existing debt be fully discharged, the same amount which was collected within the said described limits of the said village, heretofore forming part of the said Townships of Thorold and Crowland respectively, towards the payment of such debt for the year one thousand eight hundred and fifty-seven, and the same shall be a debt against the said village.

Village to pay its proportion of any debts of the Townships of Thorold and Crowland.

11. The officers of the Councils of the said Townships of Thorold and Crowland shall not proceed to collect any rate or assessment imposed by either of the said Councils for the present year, within the limits of the said village, but the amount which may be required for the purposes of the said village, within the present year, shall be based on the assessment of the Assessor or Assessors of the said Townships for the present year, and shall be collected by the officer or officers to be appointed by the said village Council for that purpose; Provided always that such portion of the amount assessed for County purposes as would have been levied upon the respective portions of the Townships of Thorold and Crowland of which the said village is composed, for the present year, if the said village had not been so incorporated and set apart, shall be collected by

As to taxes for the present year.

Proviso as to County taxes for 1859.

by the proper officer of the said village, and be by the Treasurer thereof paid over to the Treasurers respectively of the said Townships of Thorold and Crowland; And it is further provided that nothing herein contained shall affect or be construed to affect the school section or sections in which the said village is now situate for the present year.

Proviso as to Schools.

Village Clerk to be furnished with copies of certain parts of Township assessment Rolls.

12. The Clerks of the Townships of Thorold and Crowland aforesaid, shall and they are hereby required to furnish to the Clerk to be appointed by the Council of the said village, on demand made by him therefor, a true copy of the Assessment Rolls of the said Townships for the present year, as far as the same shall contain the rateable property assessed within the said village, and the names of the owners or occupiers thereof.

Inconsistent enactments repealed.

13. All Acts and provisions of Acts inconsistent with this Act, so far as the same may affect the said Village of Welland, shall be and the same are hereby repealed.

Public Act.

14. This Act shall be deemed a Public Act.

CAP. XLVII.

An Act to confirm a Proclamation of the Governor General, incorporating the Village of Streetsville, and to legalize and confirm the acts and proceedings of the Municipal Council of the said Village.

[*Assented to 24th July*, 1858.]

Preamble.

WHEREAS under the provisions of the Act to amend the Municipal Laws of Upper Canada, relating to the incorporation of Villages, passed in the Session held in the twentieth year of Her Majesty's Reign, His Excellency the Governor General did, on the twenty-sixth day of November, in the year of our Lord one thousand eight hundred and fifty-seven, by virtue of an Order in Council, issue his Proclamation under the Great Seal of this Province, setting apart the Village of Streetsville, in the County of Peel, as an incorporated Village within certain boundaries therein described; And whereas the rate-payers of the said Village did thereon elect Councillors, and the Municipal Council of the Village have accordingly proceeded to the exercise of their functions as a Corporation according to the Municipal Laws of Upper Canada; And whereas since the erection of the said Municipal Council, for certain alleged irregularities or informalities in the proceedings to obtain the said incorporation under the aforesaid statutes, doubts have been raised as to the legality of the said Order and Proclamation, and of the acts and proceedings of the Municipal Council of the said Village; And whereas the inhabitants of the said Village have by their Petition represented, that

that from the rapid increase of the population of the Village it had become necessary to confer upon it corporate powers, and that they are desirous of securing the benefits which they have derived from the said incorporation, and have prayed that the said Proclamation of the Governor General incorporating the said Village, and the acts and proceedings of the said Municipal Council, may be legalized and confirmed, and it is expedient to grant the prayer of the said Petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Order in Council and Proclamation incorporating Streetsville confirmed, and the said village declared incorporated.

1. The said Order in Council and Proclamation of His Excellency the Governor General incorporating the said Village of Streetsville, and also all the acts and proceedings of the Municipal Council thereof, are hereby legalized and confirmed, and the said Village is hereby declared to have been from the date of the said Proclamation, and to be an incorporated village apart from the Township of Toronto in which the said Village is situate; and as such; has had and shall have perpetual succession and a common seal, with such powers and privileges as are now, or shall hereafter be conferred on incorporated villages in Upper Canada; and the powers of such corporation shall continue to be exercised by, through and in the name of the Municipality of the Village of Streetsville; And the boundaries of the said Village shall be such as are prescribed by and in the said Proclamation.

Boundaries.

Recital.

2. And whereas a portion of the township of Toronto not included within the limits of the said village as fixed by this Act, is now and has been for several years included within the school sections embracing the said village, and the resident proprietors of the rateable property of the said portion of the township of Toronto, have recently been taxed in common with the rate-payers of the said village for building and furnishing two school houses situate therein for the said sections, and the said school houses will under this Act become the property of the said village; And whereas it is right to secure the said proprietors who reside without the limits of the said village in the use and enjoyment of the said school houses for a limited period: Therefore, Be it enacted, that notwithstanding any thing in the school Acts of Upper Canada to the contrary, it shall and may be lawful for the inhabitants resident on lots one to eight, inclusive, in the sixth concession, also lots one to eight in the fifth concession, inclusive, and the west halves of lots one to eight in the fourth concession, inclusive, save and except the six hundred acres included in the said village of Streetsville, to have and enjoy all the rights and privileges of residents of the said village, in so far as the privileges and benefits of the Public Common Schools thereof are concerned, for a period not exceeding five years from the commencement of this Act, unless by mutual consent of the parties concerned, and shall, during such period, be liable to the payment of all school rates and

Inhabitants of a certain tract to have the same rights as those of Streetsville as regards Public Schools in the said village during five years.

assessments in the same manner as if they were residents of the said village, and as if their rateable property were included within its limits: Provided always that if at any time the said inhabitants or a majority of them shall desire to separate from the said village for school purposes, it shall be lawful for them so to do, by giving to the School Trustees of the said village one year's notice thereof in writing, and the like provision shall also extend to and be available by the inhabitants of the said village, but such notice to be given by the school trustees for the time being to the rate-payers of the aforesaid portion of the township.

Proviso: for voluntary separation.

The village to receive a certain proportion of the U. C. Municipalities Fund.

3. The said Village of Streetsville shall be entitled to receive from the said Township of Toronto such share of all money apportioned to such Township from the Upper Canada Municipalities Fund, prior to the passing of this Act and now unappropriated, as shall bear the same proportion to the whole sum so apportioned to the said Township, as the number of rate-payers resident within the said village, as shown by the Collector's Roll of the year one thousand eight hundred andfifty-seven, bears to the whole number of the rate payers of the said township.

Public Act.

4. This Act shall be held to be a Public Act.

CAP. XLVIII.

An Act to remedy certain informalities with respect to the Assessment Rolls of the Town of Windsor, in the County of Essex, and the Township of Richmond in the County of Lennox.

[*Assented to 24th July*, 1858.]

Preamble.

WHEREAS the Municipalities of Windsor and Richmond have, by their Petitions set forth, that the Assessors appointed for the Town of Windsor and the Township of Richmond in the County of Lennox for the present year, have, through negligence, omitted to return their Assessment Roll, and to notify parties assessed by them within the time prescribed by the Assessment Law, and praying that an Act may be passed curing the informality in taking the Assessment of the said Town and Township, in order that any doubt in regard to the legality of the imposition of rates for Municipal purposes for the present year may be removed; And whereas it is expedient to grant the prayer of the said Petitions: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Assessment not to be invalidated.

1. The failure of the Assessors of the Town of Windsor and the Township of Richmond, to make and complete their Assessment

Assessment between the first day of February and the first day of May of the present year, and to serve the parties assessed with notice of the value at which their properties have been assessed, shall not invalidate the Assessment of the said Town or of the said Township, either as regards the imposition of rates, or in any other respect.

lidated in Windsor and Richmond by the non completion thereof at the proper period.

2. The Assessment Rolls of the Town of Windsor and of the Township of Richmond for the present year, as finally revised and passed by the Courts of Revision, appointed for the said Town and Township respectively, shall, notwithstanding any informality on the part of the said Assessors in making and completing their Assessments, be held to be legal and sufficient in law for all purposes whatsoever, subject nevertheless to the Right of Appeal to the Judge of the County Court according to the Acts in force in that behalf.

Assessment Rolls to be legal and sufficient for all purposes.

Saving right of appeal.

CAP. XLIX.

An Act to legalize the By-law Number Eighteen of the Village of Ingersoll, for raising a certain sum of money therein mentioned.

[*Assented to 24th July*, 1858.]

WHEREAS doubts have arisen as to the legality of the By-law Number Eighteen of the Municipal Council of the Village of Ingersoll, authorizing the issue of Debentures to the amount of six thousand eight hundred pounds, for the purposes therein mentioned; And whereas Debentures have been issued under the said By-law, and the said Municipality hath petitioned to have such doubts removed and the said By-law declared valid: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts and declares as follows:

Preamble.

1. The said By-law, for and notwithstanding such doubts and any irregularities in the passing of the said By-law or matters preliminary thereto, or any insufficiency at law therein, either in substance or form, is hereby legalized and made valid, and shall be held to have been valid from the time of the passing thereof until the objects of the said By-law shall be fully accomplished; and all Debentures issued and proceedings and dealings heretofore made and had, or hereafter to be made and had, under the said By-law, are also hereby declared legal and valid.

The said By-law and debentures issued under it declared valid.

2. This Act shall be deemed a Public Act.

Public Act.

CAP. L.

An Act to re-unite School Section Number Five, in the Township of Trafalgar, in the County of Halton, to the Town of Milton, in the said Township, for School purposes only.

[*Assented to 24th July*, 1858.]

Preamble.

WHEREAS previous to the incorporation of the town of Milton, in the township of Trafalgar, in the county of Halton, the trustees of school section Number Five, in the said township, were possessed of valuable and commodious school premises, situated within the limits of the said town of Milton; And whereas by virtue of such incorporation, and the said town of Milton thereby becoming a distinct school section, the inhabitants of the said late section Number Five, as at present constituted, have no voice in matters relating to the management of the said school property, to their great detriment and inconvenience, and in order to remedy the same they have prayed that the said town of Milton and the said school section Number Five, may be re-united for school purposes only: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Limits of Town School Section and of Wards in the Town extended for School purposes only.

1. The limits of the school section of the town of Milton, in the county of Halton, shall be extended for school purposes only, so as to include within its limits the said school section Number Five, of the township of Trafalgar, in the said county; And by virtue of such annexation and for School purposes only as aforesaid, all that part of the said school section Number Five, north of the line running between lots numbers thirteen and fourteen, shall be included within the north ward of the said town, the east ward of the said town shall extend eastward from Foster Street and the line dividing the east and west halves of lots eleven and twelve in the second concession, and south of the line between lots numbers thirteen and fourteen aforesaid; and the south ward shall extend west from Foster Street and the line dividing the east and west halves of lots numbers eleven and twelve in the second concession of Trafalgar, and south of the line between lots numbers thirteen and fourteen aforesaid, and shall extend in each direction to the outside limits of the said extended school section.

Six School Trustees to be elected for the extended Section under 13, 14 Vic. c. 48.

2. The said school section of Milton so extended as aforesaid shall elect six trustees under the provisions of the Act thirteen and fourteen Victoria, chapter forty-eight, relating to the election of trustees by town sections; and excepting as regards the election of trustees, all that portion of the school section of Milton as hereby extended, which formerly constituted the school section number five of Trafalgar, shall in all respects

respects be governed by the laws relating to township school sections.

Assessments for School purposes in the said section.

2. The town council of the town of Milton, and the council of the township of Trafalgar, shall assess upon the inhabitants of the said town and of the said former school section Number Five, respectively, amounts equal to the Legislative grants which may from time to time be apportioned to the said school sections respectively; and any further amount that may be required to meet the expenses of the said extended school section shall be raised in the two parts of the said section hereby united, the amount to be raised in each to be in proportion to the number of children of school age in each such part respectively; and it shall be the duty of the said Municipal Council of the township of Trafalgar to pay over to the Superintendent of Common Schools for the town of Milton, such sum or sums of money so raised and apportioned annually, for the support and maintenance of the said united School section.

Payment to Superintendent of Schools.

Commencement of Act.

3. This Act shall have force and effect upon, from and after the twelfth day of January next.

CAP. LI.

An Act to annex School Section No. 3, in the Township of Matilda, in the County of Dundas, to the School Section of the Village of Iroquois.

[*Assented to 24th July*, 1858.]

Preamble.

WHEREAS previous to the incorporation of the Village of Iroquois, in the Township of Matilda, in the County of Dundas, the Trustees of School Section No. 3 of the said Township of Matilda, within the limits of which the said Village of Iroquois then was, did, by special assessment of the inhabitants of the said School Section, erect within the limits of the said village, a large and commodious stone school house; And whereas by virtue of such incorporation, and the said Village of Iroquois thereby becoming a distinct School Section, the inhabitants of the said section, as at present constituted, have no voice in matters relating to the management of the said School House, to their great detriment and inconvenience, and in order to remedy such injustice they have prayed that the said School Section may be annexed to the Municipality of the village of Iroquois for school purposes only: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Village of Iroquois re-united to School Section.

1. From and after the twelfth day of January next, the present School Section No. 3 of the Township of Matilda, in the County of Dundas, shall, with the Village of Iroquois, in the

tion No. 3 of Township of Matilda.

the said Township of Matilda, form one School Section irrespective of the incorporation of the said Village, and the inhabitants of the said united School Section shall, upon such union, be at once restored to all the rights and privileges with respect to the School House above mentioned, and the other property appertaining to the former School Section, No. 3, which they would have hitherto enjoyed if the said Village of Iroquois had not been incorporated.

Six trustees to be elected for the united section under 13, 14 V. c. 48, which shall apply to it with that exception.

2. The said School Section of Iroquois, so extended as aforesaid, shall elect six trustees under the provisions of the Act thirteenth and fourteenth Victoria, chapter forty-eight, relating to the election of trustees by town sections; and excepting as regards the election of trustees, all that portion of the School Section of Iroquois as hereby extended, which formerly constituted the School Section No. 3 of Matilda, shall, in all respects, be governed by the laws relating to Township School Sections.

Assessments on the said united Section for school purposes.

3. The Municipal Council of the Village of Iroquois, and the Council of the Township of Matilda, shall assess upon the inhabitants of the said Town and of the said former School Section No. 3, respectively, amounts equal to the Legislative grants which may from time to time be apportioned to the said School Sections respectively; and any further amount that may be required to meet the expenses of the said extended School Section shall be raised in the two parts of the said section hereby united, the amount to be raised in each to be in proportion to the number of children of school age in each such part respectively; And it shall be the duty of the said Municipal Council of the Township of Matilda to pay over to the Superintendent of Common Schools for the Village of Iroquois, such sum or sums of money so raised and apportioned annually for the support and maintenance of the said united School Section.

Payment to Superintendent of schools.

Public Act.

4. This Act shall be deemed a Public Act.

CAP. LII.

An Act to amend the Acts relating to the Grand Trunk Railway Company of Canada.

[*Assented to 24th July*, 1858.]

Preamble.

18 V. c 33.

WHEREAS in pursuance of the powers and provisions of the Grand Trunk Railway Act, 1854, the lease of the portion of the Atlantic and St. Lawrence Railway therein mentioned has been transferred and assigned to the Grand Trunk Railway Company of Canada as thereby authorized, and agreements have since been entered into between the last mentioned Company and the Atlantic and St. Lawrence Railway Company, whereby the terms and conditions of the said lease and the

the amount of rent payable in respect thereof have been varied and enlarged, and it is expedient that such agreements should be confirmed and that power should be given to the Directors of the said Grand Trunk Railway Company to make further agreements with the said Atlantic and St. Lawrence Railway Company, as occasion may require, subject to the approval of a general meeting of the Proprietors of the said Company, respectively; And whereas an Act was passed in the Session of the Provincial Legislature of Canada, held in the nineteenth and twentieth years of the Reign of Her present Majesty, intituled, *An Act to grant additional aid to the Grand Trunk Railway Company of Canada*, (hereinafter referred to as the nineteenth and twentieth Victoria, Chapter one hundred and eleven); And whereas it is expedient that the said Act should be amended, and that further provisions should be made for carrying out the undertaking of the said Company, and for giving further powers to the said Company in relation to the completion, working and management of the said undertaking, and that, for the purposes aforesaid and for other purposes, the provisions of the several other Acts relating to the said Grand Trunk Railway Company of Canada should be amended and enlarged: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: 19, 20 V. c. 111.

Short Title of this Act.

1. In citing this Act for any purpose, it shall be sufficient to use the expression "The Grand Trunk Railway Act of 1858," and the expression "The Company," as herein used, shall denote "The Grand Trunk Railway Company of Canada."

Company may agree with Atlantic and St. Lawrence Railway Company, respecting their lease.

Proviso.

2. It shall be lawful for the Board of Directors of the Company to enter into and execute any agreement or agreements with the said Atlantic and St. Lawrence Railroad Company for altering or enlarging the terms and conditions of the said lease; Provided always that nothing herein contained shall be construed to the prejudice of the Province or in any way make the Province a party to such agreements, or alter the relative position of the Province and the said Company.

How the capital of the Company may be increased.

3. In case it shall be deemed expedient by the Company at any time or times hereafter to increase the capital of the Company, such increase may be effected by resolution of the Directors of the said Company, sanctioned and approved by two thirds at least of the votes of the Shareholders voting in person or by proxy at a special general meeting called for that purpose; and the further capital so authorized may be raised by preferential bonds which shall be deemed to be preferential bonds within the meaning of the said recited Act of the nineteenth and twentieth Victoria, chapter one hundred and eleven, and of the Act twentieth Victoria, chapter eleven, and such bonds, together with the preferential bonds already issued under the authority of the said Acts, shall be entitled

to

to the privileges conferred on preferential bonds by the said Acts,—or such increase of capital may be effected by bonds not preferential, or by mortgage, or by the issue of new shares of such denominations and with such privileges as to priority of dividend or otherwise over the present share capital of the Company, and upon such terms and conditions and at such times and to such persons and in such manner, as the Shareholders so present in person or by proxy shall, by the like proportion of votes, approve or direct. Provided always that nothing herein or hereinafter contained shall in any way alter, affect, postpone or prejudice the claim of the Province upon the said undertaking or the obligations of the Company towards the Province, as settled by the provisions of the several Acts now in force relating to the said Company.

Proviso: Act not to affect the Province lien.

Company may pay interest on the share capital until the works are completed.

4. It shall be lawful for the Board of Directors of the Company, out of the present or any future capital of the Company, to provide and pay such sum as may from time to time, with the earnings of the Company available for dividend, be sufficient to pay interest upon the loan and stock and share capital of the Company, until the completion of the authorized works of the undertaking of the Company; Provided always, that such payment shall not continue to be made upon the stock and share capital, except out of the earnings of the Company, after the first day of May, one thousand eight hundred and sixty.

Proviso: no such payment after 1860.

Order in which the earnings of the Company shall be applied.

5. And whereas it is expedient to declare the order in which the earnings of the Company, after deduction of the expenses of working and maintaining the Railway, are to be appropriated; Therefore, it is hereby declared and enacted, that, subject to the rights and powers of the Atlantic and St. Lawrence Railroad Company under the said recited lease as to the portion of the undertaking thereby demised, the earnings of the Company, after deduction of working expenses, shall in each half year be appropriated and applied as follows: First, in and towards the payment of the interest upon the amount which for the time being shall have been raised by the issue of preferential bonds as herein mentioned; Secondly, in and towards payment of the interest upon the loan capital of the Company for the time being raised and subsisting upon and in respect of the several classes of bonds and debentures hereinbefore mentioned, other than the said preferential bonds; And thirdly, in and towards payment of a dividend at the rate of six per cent per annum on the Stock and Shares of the Company, —And after payment of such dividend, then, in or towards the payment of the interest on the Provincial Debentures issued in aid of the Company from time to time, to the extent of three million one hundred and eleven thousand five hundred pounds sterling in all; and after payment of such interest, the surplus, if any, shall be applied in payment of a further dividend upon the Stock and Shares of the said Company.

Interest on preferential bonds.

On other bonds.

Dividends on shares.

Provincial claim.

Further dividend.

6.

6. The ninth section of the Grand Trunk Railway Act, 1854, is hereby repealed, but such repeal is not to affect any thing which may have been done under the provisions thereof before the passing of this Act, or the position of the Directors, unless or until altered by virtue of the provisions hereinafter contained. Section 9 of 18 V. c. 33, repealed.

7. And whereas it is expedient to alter and amend so much of the several Acts relating to the Company as have reference to the privilege of voting conferred by Stock or Shares in the Company: Therefore, from and after the passing of this Act, the proportion of votes to the Stock or Shares held in the Company, shall be one vote for every twenty-five pounds sterling of Stock or of shares not yet converted into stock of the Company, so held; and no sum less than twenty-five pounds sterling shall entitle the holder thereof to any vote at any meeting of the Shareholders of the Company: Provided always, that no Stock or Shares, unless *bonâ fide* held for a period of at least three months prior to any meeting of Shareholders, shall confer on the holder thereof any privilege of voting at such meeting. One vote to be given for each £25 stg. of stock or shares. Proviso.

8. It shall be lawful for the Company, by resolution of any General Meeting, from time to time to make any alteration in the numbers, rotation, mode of appointing, constitution or composition of the Board of Directors prescribed by the agreement of the twelfth day of April, one thousand eight hundred and *fifty-three*, and to fix and assign such remuneration as they may think fit to the Chairman, Vice-Chairman, or any other Director or Directors, provided that the number of Directors shall in no case be more than fifteen or less than ten. Power to alter number, &c., of Directors.

9. It shall be lawful for the Company, with the consent of two thirds of the votes of the proprietors voting in person or by proxy, at any General Meeting convened with notice of the intended object, to accept a lease of the undertaking, or of part of the undertaking, of any other Company that may be or now is formed for the purpose of constructing a Railway in the State of Michigan from or near Port Huron to Detroit, for such term, at such rent, and upon such conditions, as may be agreed upon; and also, to become the purchasers of or jointly interested in the undertaking or part of the undertaking of such Company, and to provide and raise, if necessary, other Capital for such purposes. Company may accept a lease of other works, &c., with consent of two thirds of the votes of the proprietors.

10. It shall be lawful for the Directors of the Company at any time, and from time to time, to make and enter into any agreement or arrangement with any other Company, either in this Province or elsewhere, for the regulation and interchange of traffic passing to and from the Railways of the said Companies, and for the working of the traffic over the said Railways respectively, or for either of those objects separately, and for the division and apportionment of the tolls, rates and charges in respect Company may enter into agreements with other Companies for certain purposes.

respect of such traffic, and generally in relation to the management and working of the Railways, or any of them, or any part thereof, and of any Railway or Railways in connection therewith, either by ferry or otherwise, for any term not exceeding twenty-one years, and to provide for the appointment of a Joint Committee or Committees for the better carrying into effect any such agreement or arrangement, with such powers and functions as may be considered necessary or expedient, subject to the consent of the votes of two thirds of the proprietors voting in person or by proxy at any General Meeting.

Words in Act 19, 20 V. c. 111 interpreted.

11. The words "Rivière-du-Loup" when they occur in the Acts nineteenth and twentieth Victoria, chapter one hundred and eleven, and twentieth Victoria, chapter eleven, are hereby declared to mean the Village of Fraserville, in the Parish of La Rivière-du-Loup.

Public Act.

12. This Act shall be deemed a Public Act.

CAP. LIII.

An Act to authorize the Grand Trunk Railway Company of Canada to construct a Bridge over the River St. Clair at Sarnia.

[*Assented to 24th July*, 1858.]

Preamble.

WHEREAS the Grand Trunk Railway Company of Canada has petitioned for power to build a Railway Bridge over the River St. Clair, from a point in or near the town of Sarnia to some eligible point on the opposite shore, in the State of Michigan, to be called the "Union Railway Bridge," and it is expedient to grant the prayer of the said Petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Company may take land, &c., for such bridge and for branch Railways.

1. The said Company shall have full power and authority to purchase, acquire, take and hold such lands, lands covered with water, beaches and other property, as may be necessary for the purpose of constructing the said Bridge or for the convenient using of the same, and also for the construction of such Branch Railways as may be necessary to approach the said Bridge,—Provided such Branch Railways do not in any case exceed three miles for each of such Branches; And provided also, that the sanction of the Governor in Council be obtained in regard to any Public Property required for such purposes, before the same be acquired by the Company.

Proviso: as to length of such branches.

And as to Public property.

Site, plans, &c., must be approved by the Governor

2. The said Company shall not commence the said Bridge or any work thereunto appertaining, until they shall have submitted to the Governor in Council, plans of the said Bridge and of all the intended works thereunto appertaining, nor until such plans and

and the site of the said Bridge shall have been approved by the Governor in Council, and such conditions as he shall have thought fit for the public good to impose touching the said Bridge and Works, shall have been complied with; nor shall any such plan be altered or any deviation therefrom allowed, except by the permission of the Governor in Council, and upon such conditions as he shall impose: Provided always that in the construction of the said Bridge, the said Company shall not cause any obstruction in, or in any way impede the free navigation of the River St. Clair.

in Council before the work is commenced.

Proviso.

Navigation not to be obstructed.

3. *It* shall be lawful for any Railway Company whose Railway comes to the said town of Sarnia, with the consent of the Directors of the Grand Trunk Railway Company of Canada, to connect such Railway with the said Bridge, or with some Branch Railway leading to the said Bridge, and to cause their engines and carriages to pass with their freight and passengers over and along the said Bridge and Branch Railway or either of them, and to discharge and receive passengers and freight at any Station or Depôt of the Company constructing the said Bridge, and for the said last mentioned Company to allow the Company first mentioned so to do, upon such terms and conditions as the Directors of the two Companies shall agree upon, and if the guage of the Railways of the two Companies be different, then the Company constructing the *said Bridge* may (notwithstanding any clause fixing the *guage of* their Railway) so arrange the lines of Rails thereon, and upon the Branch Line leading thereto from the Railway of the other Company, as that the engines and carriages of such other Company may easily pass over the said Bridge, and along the said Branch, and into and out of any such Station or Depôt as aforesaid; and the terms and conditions to be so agreed upon may extend to the payment by the other Company to the Grand Trunk Railway Company of Canada, of a fixed sum once for all, or of an annual sum, or of sums payable from time to time and proportioned to the number of carriages or passengers or the quantity of freight conveyed over the said Bridge, and the services performed or accommodation afforded in respect thereof for such other Company: Provided always, that it shall also be lawful for the Directors of the Grand Trunk Railway Company of Canada, to agree with the Directors of such other Company as aforesaid, that either Company shall receive and convey for the other, passengers and freight between the said Bridge and any Station or Depôt of either Company, and in the carriages of either Company, or shall perform any other service for the other Company, upon such terms and conditions as the Directors of the two Companies shall agree upon; and any agreement made by the Directors of any two Companies under this section shall be binding upon such Companies during the time for which it shall be made, but it shall not be compulsory on the Directors of any Company to make or renew any agreement under this section.

Certain Railway Companies may agree with the said Company for the right of connecting their Railways with the bridge.

Proviso: the Companies may agree as to certain services to be performed by one Company for the other.

The Company may increase its Capital Stock, borrow money, &c., in order to construct the said bridge and works.

4. It shall be lawful for the Directors of the Grand Trunk Railway Company of Canada, to increase the Capital Stock of the said Company, by such sum not exceeding the sum of Two Hundred and Fifty Thousand Pounds sterling, as may be requisite for constructing the Bridge and Works hereby authorized or for enabling them to carry this Act into effect; and such increase may be made either by subscriptions for new stock by the then Shareholders of the Company, or by the admission of new subscribers, or in both ways; and the shares of such additional Stock shall be each of the same amount as the shares of the other Stock of the said Company, and all the provisions of the Act incorporating the said Company shall apply to such additional shares, and to the subscribers therefor or holders thereof, in so far as may not be inconsistent with the express provisions of this Act; or it shall be lawful for the said Directors to raise the said sum partly by such increase of the Capital Stock of the Company as aforesaid, and partly by loan, and for that purpose to issue Debentures of the said Company, to which all the provisions of the Act incorporating the said Company shall apply, as to the Debentures issued under the authority thereof: And it shall be lawful for the Directors of any other Railway Company, on behalf thereof, to subscribe for and hold shares of such additional Stock as aforesaid of the Grand Trunk Railway Company of Canada, and to authorize any person or persons to vote upon such Stock at meetings of the Shareholders of such last named Company, appointing one such person for every hundred shares held by such other Company, and one for any broken number of shares so held less than a hundred; and it shall also be lawful for the Directors of such other Company to lend money to the Grand Trunk Railway Company of Canada, or to guarantee the payment of the principal or interest or both of any Debentures to be issued under this Act by such last mentioned Company, and to construct any Branch Railway or other work which may be necessary for conveniently connecting the Railway of such other Company with the said Bridge, or for enabling such other Company fully to avail itself of the provisions of this Act, and to increase the Capital Stock of such other Company by such sum as may be necessary to defray the cost of any such work, or to pay any sum which shall become payable by such Company under the provisions of this Act, and such increase may be made either by subscription for new Stock by the then Shareholders of such Company, or by admission of new subscribers, or in both ways, or it shall be lawful for the Directors of such Company to raise such sum partly by such additional Stock and partly by loan, and for that purpose to issue Debentures of such Company; and to all such Branch Railways and other works to be constructed under this Section by any Company other than the Grand Trunk Railway Company of Canada, and to all shares of the additional Stock of such Company authorized by this Section, and to the subscribers for and holders thereof, and to all Debentures to be issued by such Company, and other the things

Other Railway Companies may subscribe for Stock of the Grand Trunk Company or lend money to it: and may construct works for connecting their Railways with the bridge, and raise money for such purposes.

to

to be done by or on behalf of the said Company under this Section, the provisions of the Act incorporating such Company, as amended by any subsequent Act, shall apply in so far as they may not be inconsistent with this Act.

Provincial guarantee and claim not to extend to the said bridge and works under this Act.

5. The Guarantee of this Province shall not be extended to any Loan or Debenture to be raised or issued under the authority of this Act or in respect of the said Bridge or any work to be constructed under this Act; and neither the privilege and prior claim of Her Majesty on behalf of this Province by reason of the Guarantee of the Province granted or to be granted to the Grand Trunk Railway Company of Canada, or to any other Railway Company, nor any general hypothec or mortgage given by the said Grand Trunk Railway Company of Canada or by any other Railway Company, before the passing of this Act, shall extend to the said Bridge or to any work constructed solely under the authority of this Act, or to the tolls and profits to be derived therefrom, but the same, and the shares held by any other Company in the Stock of the Company constructing the said Bridge, may be separately hypothecated, mortgaged or pledged, and the claim of Her Majesty on behalf of this Province and any such general hypothec or mortgage as aforesaid, shall rank after any special hypothec, mortgage or pledge to be given upon the said Bridge or works or any of them, for securing any sum of money raised or borrowed for the purpose of constructing the said Bridge or any such work as aforesaid.

Bridge to be begun in 3 and completed in 6 years.

6. The Grand Trunk Railway Company of Canada, shall commence the Bridge mentioned in this Act, within three years from the passing of this Act, and complete the same for the passage of Railway Carriages and Engines within six years from the same time, otherwise the privileges granted to them by this Act shall cease and determine.

Public Act.

7. This Act shall be deemed a Public Act.

CAP. LIV.

An Act to amend the Act incorporating the "Canada North West Railway Company."

[*Assented to 24th July*, 1858.]

Preamble.

19, 20 V. c. 25.

WHEREAS it is expedient to extend the time for commencing and completing the Railway authorized to be constructed by the Act of Parliament of this Province, passed in the session held in the nineteenth and twentieth years of Her Majesty's reign, intituled, *An Act to incorporate certain persons under the name and style of the "Canada North West Railway Company"*: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1.

Period for commencing the said Railway extended.

1. So much of the said Act above cited as in any wise limit the time for commencing or completing the said Railway, is hereby repealed, and the following provisions are hereby enacted and substituted in lieu thereof, that is to say: The said Railway shall be commenced within two years, and completed within five years.

Public Act, &c.

19, 20 V. c. 25

2. This Act shall be deemed a Public Act, and shall be incorporated with and form part and parcel of the said Act intituled, *An Act to incorporate certain persons under the name and style of the "Canada North West Railway Company,"* aforesaid.

CAP. LV.

An Act to extend the Charter of the Brockville and Ottawa Railway Company, and for other purposes.

[*Assented to 24th July*, 1858.]

Preamble.

WHEREAS the Brockville and Ottawa Railway Company have, by their Petition, prayed for an extension of time for the exclusive construction of a portion of their Railway, and for other purposes, and it is expedient to grant the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Exclusive right of constructing a portion of the said Railway extended to 1863.

1. The time limited to the Brockville and Ottawa Railway Company for the exclusive construction and completion of that part of their Railway extending from Arnprior, at or near the mouth of the Madawaska river, to the Ottawa river at or near the Village of Pembroke, in the Township of Pembroke, is hereby extended to five years from the twenty-third day of May, in the year of our Lord one thousand eight hundred and fifty-eight, any law of this Province to the contrary notwithstanding: and for and notwithstanding any thing to the contrary in any law of this Province contained, the said Brockville and Ottawa Railway Company shall have the exclusive privilege of constructing the said Railway from Arnprior aforesaid to the Ottawa River at or near the Village of Pembroke aforesaid, provided the same shall be constructed and in operation within the said term of five years; Provided always, that on completion of the Railway from the City of Ottawa to the Village of Arnprior, the said Brockville and Ottawa Railway Company, shall, upon reasonable request, and at all reasonable times, and with proper despatch, take and conduct the Cars of the Company so completing the said Railway, on and over their said Railway between Arnprior and Pembroke, at and for a price or compensation to be agreed upon between the said Companies: and in case no agreement for compensation shall be made, then at and for a price or compensation to be determined by three Arbitrators

Proviso: Company bound to take cars of another Company over part of their Railway for a fair compensation.

Arbitrators to be chosen as follows, one by each Company, and the third by the Arbitrators so chosen.

The Railway may extend into the Rivers Ottawa and St. Lawrence at its termini.

2. The Brockville and Ottawa Railway Company shall have full power to extend their Railway into the Ottawa River at Pembroke, and into the River St. Lawrence at Brockville; and by and with the consent of the Governor in Council to connect their said Railway with and include the Block House Island, in front of the Town of Brockville, and to make, erect, keep and sustain such wharves, buildings, fixtures, cranes, quays, and other works for the purposes of their Railway in the said Ottawa River at Pembroke, and in the said River St. Lawrence at Brockville, as to the Brockville and Ottawa Railway Company shall seem meet.

Public Act.

3. The Interpretation Act shall apply to this Act, and this Act shall be deemed a Public Act.

Inconsistent parts of 16 V. c. 137, repealed.

4. And so much of the third section of a certain Act of Parliament of this Province passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to incorporate the Bytown and Pembroke Railway Company*, as is inconsistent with the provisions of this Act, is hereby repealed.

CAP. LVI.

An Act to change the name of the North Shore Railway and St. Maurice Navigation Company.

[*Assented to 24th July*, 1858.]

Preamble.

WHEREAS with the view of facilitating the operations and the sale of the stock of the North Shore Railway and St. Maurice Navigation Company, in accordance with the Petition of the Directors of the amalgamated Company formed by virtue of the Act hereafter mentioned, it is desirable that the name of the said amalgamated Company should be changed: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Name of Company to be changed.

1. From and after the passing of this Act, the North Shore Railway and St. Maurice Navigation Company shall be named and known as the *North Shore Railway and St. Maurice Navigation and Land Company*, and the said last name shall hereafter be the only name which the said Company shall have, and shall replace its present name, any thing in the Act passed in the twentieth year of Her Majesty's reign, chaptered one hundred and forty-nine, to the contrary notwithstanding; And the free grant of a million and a half acres of land provided by the said Act, shall be granted to the said Company, in such alternate blocks within the water-shed of

How the free grant of land to the Company may be made.

Such change not to invalidate any proceedings by or in respect to said Company under former name.

of the St. Maurice, as the Governor in Council may direct: Provided always, that nothing contained in this Act shall prevent any By-law, obligation or other document whatsoever, made, passed or executed before the passing of this Act, or the proceedings with reference to any By-law begun before and concluded subsequently to the passing of this Act, in relation to or in favor of the North Shore Railway and St. Maurice Navigation Company, from having as full and complete effect as though the name of the North Shore Railway and St. Maurice Navigation and Land Company were inserted therein.

Day of annual election of Directors.

2. And whereas it is expedient to fix the day upon which the Election of the twelve Directors of the said amalgamated Company shall take place, Be it therefore enacted, that from and after the passing of this Act, the said Election of such twelve Directors of the said amalgamated Company, shall take place annually on the twenty-eighth day of June, or should that day be a Sunday or legal holiday, on the following day not being a Sunday or holiday.

Public Act.

3. This Act shall be deemed a Public Act.

CAP. LVII.

An Act further to amend the Acts relating to the Stanstead, Shefford and Chambly Railroad Company.

[*Assented to 24th July*, 1858.]

Preamble.

WHEREAS the Stanstead, Shefford and Chambly Railroad Company have petitioned the Legislature for certain amendments in their Act of Incorporation, and the Acts amending the same, and it is expedient to grant the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Period for the construction of a portion of the Railroad postponed.

1. Notwithstanding any thing contained in the sixth sub-section of the twenty-second section of the Act known as *The Railway Clauses Consolidation Act*, or in the Act incorporating the Stanstead, Shefford and Chambly Railroad Company, the said Company may postpone to an indefinite period the construction of that portion of the main line of the said railroad, which lies between the Village of Granby, in the Township of Granby, and the River St. Lawrence; Provided that no Shareholder in the said Company who resided or held real estate in any of the Parishes of St. Paul d'Abbottsford, L'Ange Gardien, St. Césaire, Ste. Marie de Monnoir, St Joseph de Chambly, and Longueuil, at the time when he became a subscriber for the construction of the said road, shall be liable to pay the amount of his subscription until after one half of the said portion of the main line shall

Proviso, in favor of shareholders residing in certain Parishes.

shall have been constructed, and if the said half of the said portion of the main line, beginning at the River St. Lawrence, be not completed within three years from the passing of this Act, every such Shareholder shall be thenceforward and for ever released and exonerated from all liabilities and obligations arising out of his subscription to the undertaking, and shall be entitled to recover back from the Company all moneys paid on account of such subscription.

A certain branch of the Railway made part of the main line.

18 V. c. 185.

2. Notwithstanding any thing in the third section of the Act passed in the eighteenth year of Her Majesty's reign, intituled, *An Act to amend the Act incorporating the Stanstead, Shefford and Chambly Railroad Company, and for other purposes*, or in any other Act or law contained, the branch line from the said main line to St. Johns on the Champlain and St. Lawrence Railway, now in course of construction, shall be held and considered for all purposes whatsoever, to be part of the main line of the said Stanstead, Shefford and Chambly Railroad; and all stock subscribed towards the construction of the said branch, as well as all stock subscribed for the construction of the main line (except the subscriptions made by the persons mentioned in the preceding section of this Act,) shall be appropriated indiscriminately to the construction of the whole line of the said road from St. Johns aforesaid, to the point at which the said road will intersect the Province Line.

Appropriation of Stock to the main line.

Company may issue Bonds on a vote of the Shareholders.

3. And inasmuch as great progress has been made in the construction of the said Railroad: Therefore, notwithstanding any thing in the fourteenth section of the Act incorporating the said Company, or in the Acts amending the same, or in any other Act or law contained, the Directors of the Company shall have power, upon being duly authorized by a vote of the majority of the Stockholders in the said Company, present at any Special or Annual Meeting to be held at any time after the passing of this Act, to issue their bonds for the prosecution of the undertaking, in the manner provided by the said last mentioned section of the said Act of incorporation; All bonds so to be issued shall be privileged claims upon all the property of the said Company, and shall bear *hypothèque* without registration on the whole line of road, including the said Branch, and on all the real estate held or hereafter to be held by the said Company; Provided, however, that the said Directors shall not extend the issue of such bonds beyond the sum of three thousand pounds, currency, for each mile of the said road, or two hundred and fifty thousand pounds in all; and that they shall not issue, at any one time, less than the sum of five thousand pounds, currency.

All Roads to bear hypothec on the whole Line.

Proviso.

Intervals between calls.

4. Notwithstanding any thing in *The Railway Clauses Consolidation Act* contained, any call of money on the respective Shareholders of the said Company may hereafter be made at a less interval than two months from the previous call, provided

that thirty days' notice of every such call be given in such manner as the Directors may deem proper; and to remove doubt as to the right of Contractors holding shares in the said Company to vote at elections of Directors, it is hereby declared and enacted, That any Contractor on the said road who has agreed or shall hereafter agree to take stock in the said road for any part of the work done or to be done thereon, is and shall be entitled to vote, through the President of the Company as his proxy, and not otherwise, upon all stock subscribed for by such Contractor, so long as he shall not have been declared by a resolution of the Board of Directors to have failed to comply with the conditions of his contract.

Votes of contractors taking shares in payment.

Mayor of Municipalities holding £5000 stock to be Directors.

5. The Mayor of any Local Municipality liable for the payment of stock in the said Company to the amount of five thousand pounds or upwards, shall be *ex officio* one of the Directors of the Company, with all the power now by law exercised by such *ex officio* Directors, whether such stock be held in whole or in part in the name of such Local Municipality, or in the name of the County of which it forms or heretofore formed part.

Provision for union with a certain U. S. Railway.

6. And for the purpose of facilitating the connection between the said Railway Company and the Connecticut and Passumpsic Rivers Railroad Company, as contemplated and provided for in the original Charter, it shall be lawful for the said Connecticut and Passumpsic Rivers Railway Company, after securing such Legislation as may be necessary from the Legislature of the State of Vermont, to construct from the Province Line in Stanstead, in continuation of their own Railway, a Railroad to the point in Stanstead called the "Benson Place," upon the condition alone however, that the Stanstead, Shefford and Chambly Railway Company shall deem it advisable, (their decision being evidenced by a resolution of the Board of Directors,) to effect such connection between the two above named Railway Companies, at the above named place; and provided further, that the said Connecticut and Passumpsic Rivers Railway Company shall acquire the right of way as provided by law.

Public Act.

7. This Act shall be deemed a Public Act.

CAP. LVIII.

An Act to authorize the construction of a Tram or Railroad from some point at or near the Marmora Iron Works to some point at or near Colborne Harbour.

[*Assented to 24th July*, 1858.]

Preamble.

WHEREAS certain persons in the County of Northumberland have petitioned that an Act may be passed authorizing

authorizing the construction of a Tram or Railroad from some point at or near the Marmora Iron Works, in the County of Hastings, to some point at or near Colborne Harbour, in the County of Northumberland; And whereas a Tram or Railroad so constructed would tend to the improvement of the section of country through which it would pass: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons incorporated.

1. Joseph A. Keeler, J. M. Merriman, R. M. Boucher, N. Bennet, J. M. Grover, M. R. Lockwood, John C. Pennock, *Stewart* Strong, Donald Campbell, together with such other person or persons, as shall under the provisions of this Act become shareholders in the Company hereby incorporated, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, by and under the name of the *Marmora and Colborne Tram or Railroad Company.*

Corporate name.

Certain clauses of General Railway Act incorporated with this Act.

2. The several clauses of the Railway Clauses Consolidation Act, with respect to the first, second, third and fourth clauses thereof, and also the several clauses of the said last mentioned Act, with respect to "Interpretation," "Incorporation," "Powers," "Plans and Surveys," "Lands and their Valuation," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "Directors, their election and duties," "Shares and their transfers," "Municipalities," "Shareholders," "Actions for Indemnity, and fines and penalties and their prosecution," "Working of the Railway," and "General Provisions," shall be incorporated with this Act, and shall accordingly apply to the said Company and the said Tram or Railroad, except only in so far as may be inconsistent with the express enactments hereof; And the expression "this Act" when used herein, shall be understood to include the provisions of the Railway Clauses Consolidation Act, and the several Acts amending the same, which are incorporated with this Act as aforesaid.

Power to Company to construct a Railway.

3. The said Company and their servants and agents shall have full power under this Act to lay out, construct and complete a Tram or Railroad connection between some point at or near the Marmora Iron Works, in the County of Hastings, and some point at or near Colborne Harbour, in the County of Northumberland.

Forms of Deeds and Conveyance under this Act.

4. Deeds and conveyances under this Act for the lands to be conveyed to the said Company for the purposes of this Act, shall and may, so far as the titles to the said lands or circumstances of the parties making such conveyance will admit, be made in the form given in the schedule to this Act marked A; And all Registrars are hereby required to register in their registry books such deeds on the production thereof and proof

 of

of execution, without any memorial, and to minute every such entry on the deeds; The said Company are to pay the Registrar for so doing the sum of two shillings and six pence, and no more.

Provisional Directors.

5. From and after the passing of this Act the said Joseph A. Keeler, J. M. Merriman, R. M. Boucher, N. Bennett, J. M. Grover, M. K. Lockwood, John C. Pennock, Stewart Strong, and Donald Campbell, Esquires, shall be the Provisional Directors of the said Company for carrying into effect the object and purposes of this Act.

Powers and duties of provisional Directors.

6. It shall and may be lawful for the Provisional Directors for the time being of the said Company, or a majority of them, to supply the place or places of any of their number from time to time dying or declining to act as such Provisional Director or Directors, out of the several subscribers for stock in their said Tram or Railroad to the amount of at least six hundred dollars each, during the period of their continuance in office; And such Provisional Directors, except as hereinafter is excepted, shall be and they are hereby invested with all the powers, rights, privileges and indemnities, and they shall be and they are hereby made subject unto the like restrictions, as the elected Directors of the said Company, upon their being elected by the Stockholders of the said Company as hereinafter provided, would, under the provisions of the Railway Clauses Consolidation Act and of this Act, become invested with or subject to respectively.

First general meeting.

7. When and so soon as all the Capital Stock of the said Company shall be taken, and ten per centum thereon shall have been paid into some one of the chartered Banks of this Province, it shall and may be lawful for the Provisional Directors of the said Company for the time being, to call a meeting at the Town Hall in the Village of Colborne of the subscribers for stock in the said Company who have paid ten per centum thereon as aforesaid, for the purpose of electing Directors of the said Company; Provided always, that if the said Provisional Directors shall neglect or omit to call such meeting, then the same may be called by any ten of the holders of shares in the said Company, holding among them not less than three hundred and twenty shares, equivalent to sixteen thousand dollars; And provided always, that in either case public notice of the time and place of holding such meeting shall be given during one month in some one newspaper published in the Village of Colborne, and also in some one newspaper published in each of the Counties through which the said Tram or Railroad shall pass, or be intended to pass, or in such of the said Counties as shall have a newspaper published therein respectively; And at such General Meeting the shareholders assembled, with such proxies as shall be present, shall choose nine persons to be Directors of the said Company, being each a proprietor of shares

Proviso.

Proviso: notice of meeting.

Election of Directors.

shares in the said Company to an amount of not less than six hundred dollars, and shall also proceed to pass such rules, regulations and by-laws as shall seem to them fit, provided they be not inconsistent with this Act: And provided also, that such ten per centum shall not be withdrawn from such Bank, or otherwise applied except for the purposes of such Tram or Railroad, or upon the dissolution of the Company from any cause whatever. Proviso.

Directors to be elected annually—their duties.

8. The Directors so elected, or those appointed in their stead in case of vacancy, shall remain in office until the first Wednesday in June, one thousand eight hundred and fifty-nine, and on the said first Wednesday in June, and on the first Wednesday in June in each year thereafter, or such other day as shall be appointed by any by-law, an annual general meeting of shareholders shall be held at the office of the Company for the time being, to choose nine Directors in the room of those whose period of office shall have expired, and generally to transact the business of the Company; but if at any time it should appear to any ten or more of such shareholders holding together sixteen thousand dollars in shares at least, that a special general meeting of the shareholders is necessary to be held, it shall be lawful for such ten or more of them to cause fifteen days' notice at least to be given thereof, in such newspapers as are hereinafter provided, or in such manner as the Company shall by any by-law direct or appoint, specifying in such notice the time and place, and reason, and intention, of such special meeting respectively, and the shareholders are hereby authorized to meet pursuant to such notice and proceed to the execution of the powers by this Act given to them, with respect to the matters so specified only; And all such acts of the shareholders, or the majority of them, at such special meetings assembled, such majority not having either as principals or proxies less than ten thousand dollars in shares, shall be as valid to all intents and purposes as if the same were done at annual meetings. Special general meetings. Majority to decide at meetings.

Directors may raise money by loan or otherwise.

9. For the purpose of making, constructing, and maintaining the Tram or Railroad, and other works necessary for the proper use and enjoyment of the Tram or Railroad by this Act authorized to be constructed, it shall and may be lawful for the Directors of the said Company for the time being, to raise the sum of six hundred thousand dollars, divided into twelve thousand shares of fifty dollars each; Provided always, that not less than two hundred thousand dollars of such capital shall be raised by the issuing of shares; And provided also, that the said capital sum may from time to time, if necessary, be increased by three hundred thousand dollars, or three hundred thousand dollars may be borrowed by the said Company in the manner provided for in those clauses of the Railway Clauses Consolidation Act, which, in and by the second section of this Act, are expressed to be incorporated with this Act. Proviso for increase of capital.

Directors to issue shares, scripts, &c.

10. It shall and may be lawful for the Directors of the said Company for the time being, to make, execute and deliver, all such scrip, and share certificates, and all such bonds, debentures, mortgages, or other securities, as to the said Directors for the time being, shall from time to time seem most expedient, for raising the necessary capital or loans for the time being, authorized to be raised by the said Company, or for raising any part thereof.

One vote for each share.

11. Every proprietor of shares in the said Company shall be entitled, on every occasion when the votes of the members of the said Marmora and Colborne Tram or Railroad Company are to be given, to one vote for every share of fifty dollars held by him.

Debentures, &c., may be payable to bearer.

12. All bonds, debentures, and other securities to be executed by the said Tram or Railroad Company, may be payable to bearer, and all such bonds, debentures, or other securities of the said Company, and all dividends and interest warrants thereon respectively, which shall purport to be payable to bearer, shall be assigned at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof for the time being in their own names ; Provided always, that no such bond, debenture or other security shall be for a less sum than one hundred dollars.

Proviso.

Quorum of Directors.

13. Any meeting of the Directors of the said Company, at which not less than five of such Directors are present, shall be competent to exercise and use all and every of the powers hereby vested in the said Directors.

Calls, how made.

14. Calls may be made by the Directors of the said Company for the time being; Provided that no call to be made upon the subscribers for stock in the said Tram or Railroad Company shall exceed the sum of ten per centum upon the amount subscribed for by the respective shareholders in the said Company, and that the amount of any such calls in any one year shall not exceed thirty per centum upon the stock so subscribed ; Provided also, that upon the occasion of any person becoming a subscriber for stock in the said Company, it shall and may be lawful for the Provisional and other Directors of the Company, for the time being, to demand and receive, to and for the use of the said Company, the sum of ten per centum upon the amount so by such person respectively subscribed, and the amount of such calls as shall have already been made payable in respect of the stock then already subscribed, at the time of such person respectively subscribing for stock.

Proviso : ten per cent. to be paid down.

Company may purchase lands for gravel pits.

15. And whereas it may be necessary for the said Company to possess gravel pits and lands containing deposits of gravel, as well as lands for stations and other purposes, at convenient places along their line of Tram or Railroad, for constructing and

and keeping in repair, and for carrying on the business of the said Tram or Railroad; and as such gravel pits or deposits cannot at all times be procured without buying the whole lot of land whereon such deposits may be found; It is therefore enacted, that it shall be lawful for the said Company, and they are hereby authorized, from time to time, to purchase, have hold, take, receive, use and enjoy along the line of the said Tram or Railway, or separated therefrom, and if separated therefrom, then with the necessary right of way thereto, any lands, tenements, and hereditaments which it shall please Her Majesty or any person or persons or bodies politic, to give, grant, sell or convey unto, and to the use of or in trust for the said Company to their successors and assigns, and it shall and may be lawful for the said Company to establish stations or workshops on any such lots or blocks of land, and from time to time, by deed of bargain and sale, or otherwise, to grant, bargain, sell or convey any portions of such lands not necessary to be retained for gravel pits, sidings, branches, wood-yards, station grounds, or workshops, or for effectually repairing, maintaining, and using to the greatest advantage, the said Tram or Railroad, and other works connected therewith.

Commencement of Railroad.

16. The said Tram or Railroad shall be commenced within three and completed within seven years after the passing of this Act.

Public Act.

17. The Interpretation Act shall apply to this Act, which shall be deemed a Public Act.

SCHEDULE A.

Know all men by these presents that I (*insert the name of the wife also, if she is to release her dower, or for any other reason to join in the conveyance*), do hereby in consideration of paid to me (*or as the case may be*) by the Marmora and Colborne Tram or Railroad Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto the said Marmora and Colborne Tram or Railroad Company, their successors and assigns for ever, all that certain parcel or tract of land situate (*describe the land*), the same having been selected and laid out by the said Company for the purpose of their Tram or Railroad; to have and to hold the said land and premises together with every thing appertaining thereto, to the said Marmora and Colborne Tram or Railroad Company, their successors and assigns for ever, (*if there be dower to be released, add*), and I (*name the wife*), hereby release my dower in the premises.

Witness my (*or* our) hand (*or* hands) and seal (*or* seals) this day of , one thousand eight hundred and

A. B. (L. S.)
H. L. (L. S.)

Signed, sealed and delivered, in presence of
J. R.

CAP.

CAP. LIX.

An Act to establish the true location of the allowance for Road between the Municipalities of Toronto Gore and Etobicoke.

[*Assented to 24th July*, 1858.]

Preamble. WHEREAS the Reeve of the Township of the Gore of Toronto, in the County of Peel, acting on behalf of the Township Council, hath by his Petition to the Legislature represented, that serious difficulties have heretofore existed as to the true location of the allowance for Road between the Municipality of Toronto Gore, in the County of Peel, and that of Etobicoke, in the County of York, and that although it has been in several cases decided in the Superior Courts of Law that the said allowance is located as hereinafter described, and there is no case in which any other decision has been given, but on the contrary there is every reason to believe, for reasons assigned in the said Petition, that the said decision was correct, yet, that for the avoidance of disputes, it is desirable that the true location of the said allowance should be declared by the Legislature; And whereas it appears that the allegations of the said Petition are well founded: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Place of the said allowance defined. 1. The location of the allowance for Road between the said Municipalities of Toronto Gore and Etobicoke, was and is adjoining to but wholly on the eastern side of the original line known as the Indian or thirty-six mile line; and the said allowance is and shall be the public highway between the said Municipalities.

Public Act. 2. This Act shall be deemed a Public Act.

CAP. LX.

An Act to confirm the Survey of part of the Seventh Concession of the Township of Hope in the County of Durham, as made by the late Deputy Provincial Surveyor, John Hewston.

[*Assented to 24th July*, 1858.]

Preamble. Case recited. WHEREAS in the original survey of the Township of Hope in the County of Durham, that part of the concession line in front of the seventh concession west of lot number ten, was not surveyed, but was subsequently in the month of December, in the year one thousand eight hundred and twenty-two, and at later periods, (at the cost of the settlers,) surveyed by the late Deputy Provincial Surveyor, John Hewston,

Hewston, as far as lot number thirty-one, together with many of the side or dividing lines and allowances for roads between the lots, by and according to which surveys, so made by the late John Hewston, the settlers have entered into possession of their several lots or parts of lots, and made and arranged valuable and permanent improvements, in the course of which it was ascertained that by a more northward bearing of the concession line between the seventh and eighth concessions the lots were longer at the west than at the east limit of the said Township, thus causing an overplus through the entire concession, or more land than is mentioned in the original letters patent for the several lots; And whereas in the spring of the year one thousand eight hundred and fifty-seven, at the request of the Municipal Council of the said Township of Hope, and under instructions from the Crown Lands Department, a survey of the said originally unsurveyed portion of the said seventh concession line was conducted by Deputy Provincial Surveyor, George A. Stuart, the adoption of which late survey, so conducted by the said George A. Stuart, would be productive of injurious consequences to the settlers generally: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Survey of G. A Stuart set aside.

1. The survey conducted and made by the said Deputy Surveyor, George A. Stuart, of the originally unsurveyed portion of the said concession line in front of the said seventh concession of Hope aforesaid, shall be and is by this Act set aside and rendered null and void.

The two concession lines in the sixth and seventh ranges to be parallel.

2. The said concession line in front of the said seventh concession west of lot number ten, shall be and by this Act is established parallel with the line in front of the sixth concession, and at such a distance therefrom as will in all cases leave the lots in the sixth concession of the length of one hundred chains, as indicated by the original survey, and as intended by the survey made by the said John Hewston.

Hewston's Monuments to be valid.

3. Each and every the dividing monuments now known or acknowledged as having been fixed as such by the said John Hewston along the said concession line, shall be and by this Act are made, constituted and established as so many of the dividing monuments between lots.

Certain roads confirmed.

4. Each and every the roads as now opened and travelled between lots numbers ten and eleven, between twelve and thirteen, between fourteen and fifteen, between sixteen and seventeen, between twenty-two and twenty-three, between twenty-eight and twenty-nine, between thirty and thirty-one, shall be severally, and by this Act are, established and declared to be on their proper allowances respectively.

Commissioners of Crown

5. The Honorable the Commissioner of Crown Lands is by this Act authorized and required to appoint a Surveyor who shall,

Lands to appoint a Surveyor to complete Hewston's survey.

shall, and by this Act is, authorized and required to fix monuments at the points of lots numbers thirty-two, thirty-three and the gore of thirty-four, in the said seventh concession, to survey the unsurveyed side or dividing lines, according to the monuments fixed by the said John Hewston where such monuments are known, and where such monuments are not known to divide the land equally between the two nearest of such monuments according to the number of lots and allowances for roads, and to draw the said intermediate side lines in accordance with the bearings of the aforementioned side roads, to divide such lots in the said seventh concession west of lot number ten, as are owned by two or more persons according to the titles of the several owners thereof, to fix posts at the several corners of the several lots or parts of lots so surveyed, to ascertain what parties hold or occupy overplus land, and how much such overplus land is held by each such party, to collect from the several parties holding such overplus a rate apportioned upon each such party so holding overplus land in proportion to the quantity of such overplus land so held or occupied, the aggregate or total of which rate shall be a sum of money sufficient to pay the expenses of such survey, the several sums collected from parties in the sixth and seventh concessions for defraying the costs of the survey made by Deputy Surveyor, George A. Stuart, and all such claims for costs, charges, fees, disbursements, retainers, commissions, agencies, travelling, legislating and other expenses necessarily incurred in procuring the passing of this Act, as shall have been presented with satisfactory vouchers to the said Surveyor before the completion of such survey, and to pay out of the first collections, to the parties entitled to receive the same, such last aforementioned sums and claims, retaining the last collections for his, the said Surveyor's, services.

The expenses of such survey shall be paid, and also certain other expenses by the holders of surplus land.

Surveyor to file his plans, &c., in duplicate.

6. The Surveyor so appointed shall file in the Crown Lands Office, a certified copy of the plan and report of his operations in virtue of the next preceding section, and also a duplicate of the same in the Registry Office of the County.

Surveyor to determine the sum so payable by each.

7. Each and every the parties so holding or occupying overplus land shall be, and by this Act are, within one month after having been, by the said Surveyor or his agent, served with a written notice stating the quantity of such overplus land so held or occupied, and the sum required to be paid as rated thereon, (such service of notice to be either personal or by leaving such notice with some grown person at the residence of such parties respectively,) required to pay severally the sums as stated in such notices; in default whereof the said Surveyor shall, as plaintiff, sue such parties and his written report shall be *primâ facie* evidence in support of such claims.

May sue for the same if not paid.

8. If any of the parties from whom such rate shall have been collected, hold such overplus land as tenants and are subject

subject to the payment of rent therefor, it is by this Act declared that the receipt of the said Surveyor for the payment of such rate, shall be a sufficient bar against the collection of rent due or to fall due, to the amount therein stated to have been paid.

Public Act.

9. This Act shall be deemed a Public Act.

CAP. LXI.

An Act to amend a certain Act relating to La Banque du Peuple.

[*Assented to 24th July*, 1858.]

Preamble.

WHEREAS La Banque du Peuple, a body corporate and politic, constituted as such under and by virtue of an Act of the Legislature of this Province, passed in the seventh year of Her Majesty's reign, and intituled, *An Act to incorporate certain persons carrying on the business of Banking in the City of Montreal, under the name of "La Banque du Peuple,"* have, by their Petition in that behalf, prayed for certain amendments to an Act passed in the eighteenth year of Her Majesty's reign, intituled, *An Act to increase the capital stock of La Banque du Peuple, and for other purposes*, by extending the delay of five years mentioned in the first section of the last mentioned Act, for the subscription and payment of sixteen thousand shares in the capital Stock of La Banque du Peuple, as regards four thousand of the said shares not yet subscribed for, and it is desirable to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

7 V. c. 66.

18 V. c. 43.

Time for subscription and payment of certain shares extended.

1. Notwithstanding any thing contained in the said last mentioned Act, the delay of five years mentioned in the first section of the said Act, for the subscription and payment of the sixteen thousand shares of the capital stock, which the said corporation were by the said Act authorized to add to their capital stock, shall be extended to the eighteenth day of December, one thousand eight hundred and sixty-two, as far as regards the subscription and payment of the four thousand shares of the said capital stock, not yet subscribed for, being part and portion of the said sixteen thousand shares.

Public Act.

2. This Act shall be deemed a Public Act.

CAP.

CAP. LXII.

An Act further to amend the Act for the incorporation of the Provincial Insurance Company of Toronto.

[*Assented to 24th July*, 1858.]

Preamble.

12 V. c. 167.

WHEREAS it is desirable further to amend the Act passed in the twelfth year of Her Majesty's reign, intituled, *An Act to incorporate the Provincial Mutual and General Insurance Company:* Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

All the Directors to go out yearly.

1. Instead of three of the Directors going out of office by rotation in each year, as provided in the seventh section of the said Act, the whole of the Directors of the said Company shall go out of office annually, but shall each be immediately eligible for re-election as a Director; and the election of eleven Directors in the place of those so retiring from office shall be held and made at the general annual meetings of the Company, as provided by the said Act, and the several Acts amending the same; Provided that no member or shareholder of the said Company being a defaulter indebted to the said Company shall, whilst any such default exists, have a right to vote either in person or by proxy at any meeting of the said Company; and that at all meetings of the shareholders, votes shall be allowed to each shareholder, only in proportion to the stock held by such shareholder, as allowed and provided for in voting for the election of Directors.

Proviso: Stockholders indebted to the Company not to vote.

Sec. 11 of 18 V. c. 213, repealed.

2. The eleventh section of the Act passed in the eighteenth year of Her Majesty's reign, intituled, *An Act to amend the Act for the incorporation of the Provincial Insurance Company* is hereby repealed; and no agent or employee of the said Company shall be allowed to vote either in person or by proxy, or to hold any proxy from any shareholder, or act as proxy at any election of Directors of the said Company; And no person, not a qualified voter at any such election, shall be proxy for any other shareholder; and the document or instrument appointing any proxy shall be void, unless the name of the proxy to act in virtue thereof shall have been written therein by the shareholder granting the same, previous to his executing the same, and in presence of a subscribing witness.

Employees of the Company not to be proxies, &c.

Nor any person not himself an elector.

Transfer of Stock not valid without consent of Directors and payment of all calls.

3. No sale or transfer of stock of the said Company, after any call or calls thereon made and before full payment of such call and calls, shall be valid, or shall in any way discharge any holder of such stock from liability to pay all calls made thereon whilst he was holder of the same, nor shall any transfer of the said stock (unless the whole amount thereof shall have

have been paid up) be valid or effectual for any purpose, unless made with the assent of the Board of Directors of the Company first obtained.

Local agencies may be appointed subject to the Boards of Directors.

4. The Board of Directors of the said Insurance Company is hereby authorized to appoint from time to time, for the superintendence of certain of the affairs and business of the said Company, Agency or Local Boards for such places and purposes as to the said Board of Directors may seem expedient, each of which to consist of not more than five persons, and to hold office only during the pleasure of the said Board of Directors of the Company, and to be in all matters limited and subjected in its authority to and within such rules, orders and instructions as may from time to time be made or issued respecting any such Local or Agency Board, by the Board of Directors of the said Company, or by the majority of any lawful quorum of the said Board of Directors at any of its meetings.

Name of the Company changed.

But such change not to affect any suit, &c.

5. The name of the said Insurance Company shall be changed to, and shall hereafter be the *Provincial Insurance Company of Canada*, and by that name, style and title, it shall have the like powers and privileges, and be subject to the like liabilities as the Provincial Insurance Company of Toronto; and such change of name shall not be construed to make the said corporation a new corporation, or in any way to affect any right or liability thereof, or any suit, action or proceeding pending at the time this Act shall come into force; and the name hereby assigned to the said corporation, shall be substituted as of course for its former name, in any subsequent record, document or writing, in any such suit, action or proceeding; and any debt, liability, contract, agreement, claim or cause of action heretofore existing, accrued or made by or for the benefit of, or to or with the said Company, and all deeds, bonds, agreements, notes, writings and instruments made with or for the benefit of, or to the said the "Provincial Insurance Company of Toronto," shall remain in full force and effect as if this Act had not passed, and may be sued for, enforced and proceeded upon in the name of "The Provincial Insurance Company of Canada," by which name the said Company may sue and be sued, answer or be answered unto, as well on account of any thing heretofore done or suffered, as for or on account of any thing now or hereafter to be done or suffered, in any wise affecting or concerning the said Company.

Special general meetings may be called in a certain manner.

6. Any number not less than ten of the Shareholders of the said Company, who, together, shall be proprietors of not less than one thousand shares of the proprietory Stock of the said Company by themselves or their proxies, or the Directors of the said Company, or any six of them, shall respectively have power at any time to call a special general meeting of the Shareholders of the said Company to be held at their usual place of meeting, in the City of Toronto, upon giving four weeks

weeks previous public notice thereof, and specifying in such notice the object or objects of such meeting.

Public Act. 7. This Act shall be deemed a Public Act.

CAP. LXIII.

An Act to incorporate the Yamaska Navigation Company.

[*Assented to 24th July*, 1858.]

Preamble. WHEREAS Jonathan Saxton Campbell Wurtele, Gaspard Aimé Massue, Timothée Brodeur, Charles Blain, Ovide Joseph Paradis, Gaspard Timothée Peltier, Joseph Dansereau, Robert Langley Hayden, and Augustin Cantin, have, by their petition represented, that an association was formed by Deed made and passed before Maitre Jean Baptiste Commeault and his colleague, Notaries, at St. Michel d'Yamaska, on the twenty-eighth day of January last, under the name and style of the "Yamaska Navigation Company," in and to which they, with other persons, are stockholders and subscribers, with a view of promoting the public interest, by providing for the parishes situated on the Rivers Yamaska and St. Lawrence, between St. Hugues and Montreal, and the intermediate ports, and for the convenience of commerce and travellers generally, the advantage of steam navigation; and that for the purposes aforesaid, the said Company now have in course of construction, a steamboat to be called the "Yamaska," and which will be ready for service at the opening of the approaching season of navigation, between St. Hugues and Montreal; that the capital of the said Company is at present Twelve Thousand Two Hundred Dollars, divided into six hundred and ten shares, of twenty dollars each, and that they desire to have power to increase the same to the sum of forty thousand dollars, in shares of the same amount, for the purchase or construction of new steamboats, and for the erection of such wharves and landing places as the said Company may deem requisite, and for the greater accommodation of the inhabitants of the ports or places that may be touched at by the boats of the said Company; And whereas the said Company might be placed in a position obliging them to sue or to be sued in the transaction of their business; And whereas the said Company has for its object the facilitating and promotion of the inland navigation of this Province, and with the view of the attaining their purpose with greater facility, the said Company have prayed to be incorporated: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

INCORPORATION.

1. The said Jonathan Saxton Campbell Wurtele, Gaspard Aimé Massue, Timothée Brodeur, Charles Blain, Ovide Joseph Paradis, Gaspard Timothée Peltier, Joseph Dansereau, Robert Langley Hayden, and Augustin Cantin, and all other persons who are now in accordance with the Deed of Partnership above referred to, or who may hereafter become stockholders in the said Company, and their several heirs, executors, administrators, curators and assigns, shall be a body politic and corporate, under the name of the "Yamaska Navigation Company," and shall by that name have perpetual succession and a Common Seal, and by the same name shall be capable of suing and being sued in all Courts of Justice in this Province. All the property, rights and actions belonging to the said association shall be, and they are hereby transferred to the said Corporation, and from and after the passing of this Act, the said Corporation shall be the proprietor thereof, and all the debts and obligations of the said Association shall be acquitted and performed by the said Corporation.

Certain persons incorporated.

Corporate name and powers.

OBJECTS OF THE COMPANY.

2. The said Company may, and they are hereby authorized and empowered to construct, acquire, charter and maintain, and navigate on the River Yamaska and the River St. Lawrence, any steam or other vessels for the purposes of carriage or forwarding on such terms as the said Company may deem advisable for their pecuniary profit or otherwise, of goods, freight or passengers, from the parishes situated on the said Rivers Yamaska and St. Lawrence, between St. Hugues on the said River Yamaska and the City of Montreal, and between all or any of the said Parishes and St. Hugues or Montreal, and *vice versa;* and to carry and forward on such terms and conditions as to reward therefor, pecuniary profit or otherwise, as to the said Company may seem advisable, on the said Rivers Yamaska and St. Lawrence, between St. Hugues and Montreal, any goods, chattels, freight or passengers whatever, to tow and make voyages with the said steamboats, elsewhere than over the course hereinabove mentioned upon the said River St. Lawrence and its tributaries, when and as often as the said Company shall deem advisable, and this upon such conditions as the said Company shall think proper for its pecuniary profit, and to carry and convey upon such terms and conditions with respect to remuneration and pecuniary profit, as the said Company shall think proper, all merchandize, chattels, passengers and freight whatsoever, and to insure the property of the said Company, against all losses by accidents by fire, by perils of navigation, or otherwise, as to the said Company may seem expedient, and generally to carry on and transact all such business and do all such matters and things as may be incidental

Company may purchase, &c., vessels for carrying and towing on the rivers Yamaska and St. Lawrence.

incidental to the carrying out the objects of the said Company, or the powers and authorities herein contained, or necessary or expedient to the more effectual or profitable prosecution thereof,

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Power to sell or mortgage their property.

and to sell, mortgage or dispose of the stock or property of the said Company, or any part thereof, from time to time, when and as may be deemed expedient, and to enter into any contract or arrangement with any bodies politic or corporate, or other persons whomsoever for the joint or better execution of such objects, powers or authorities or otherwise, for the benefit of said Company.

Company may own wharves, warehouses, &c.

3. It shall be lawful for the said Company to purchase, take, hold and enjoy to them and their successors, such lands, wharves, docks, warehouses, offices and other buildings as they may find necessary or convenient for the purposes of the said Company, but not for any other purpose, and to sell, hypothecate, lease and dispose thereof when no longer required for the purposes of the said Company, and to purchase and acquire others in their stead; Provided always that the value of such real estate, wharves, docks, warehouses, offices and other buildings, shall not exceed the sum of four thousand dollars; and it shall also be lawful for the said Company to build, purchase, charter and maintain a small steamboat, and to run the same upon the river St. Lawrence and the river St. Francis for the purpose of carrying and transporting upon such terms as the Company may deem expedient for their pecuniary profit, goods, chattels, passengers and freight from the parishes situated on the said river St. Francis, between the said parishes and the Chenal du Moine, in connection with their other steamboats, and to carry and transport upon such terms and conditions with respect to remuneration and pecuniary profit as the said Company shall think proper, upon the said river St. Francis and the river St. Lawrence, all goods, chattels, passengers and freight whatsoever.

Proviso.

Company may own a steamboat for certain other purposes.

CAPITAL OF THE COMPANY.

Amount of capital stock, and number of shares.

4. The capital of the Company is fixed at twelve thousand two hundred dollars, divided into six hundred and ten shares of twenty dollars each, with power to increase the same at any general meeting of the said Company to two thousand shares, or forty thousand dollars: The six hundred and ten shares which now constitute the capital of the Company belong to the shareholders named in the Deed of Partnership hereinbefore cited in the proportions therein mentioned; and Stock Books shall be opened for any increase of the capital stock which the Company may hereafter decide upon.

Payment of shares, when and how to be made.

5. It shall be lawful for the Directors of the said Company to require payment of the six hundred and ten shares now constituting the capital stock thereof, subject to the terms stipulated in the Deed of Partnership hereinbefore cited, and

any

any addition thereto, by such instalments as they may deem expedient: Provided always that not more than twenty per cent. of the amount subscribed be demanded at any one time, and that the period of one month shall elapse between each instalment. Proviso.

6. The Capital of the said Company shall be employed in the payment of the preliminary expenses incurred for the establishment of the said Company, and for the construction and equipment of the said steamboat "Yamaska," and of such other steamboats as the said Company may think fit to construct or acquire, and for the acquisition and construction of the lands, quays, warehouses, offices and other buildings which the said Company may deem necessary, and for no other purpose or object whatsoever. Employment of the capital.

7. The shares of the said Company shall be deemed moveable property, and shall be transferable to others, by the persons to whom they belong; Provided always that the transferor shall be held personally responsible to the Company for all or any part of the shares by him subscribed, and which may be found to be due by him at the time of such transfer. Shares to be deemed moveable property. Liability after transfer.

8. The Company shall keep a book, to be called The Register of Shareholders, in which shall be entered from time to time the names and occupations of the different persons who shall be shareholders in the said Company, their places of residence respectively, and the number of shares to which the shareholders are severally entitled. Register book of shareholders to be kept.

9. The Directors of the said Company shall from time to time issue to each of the shareholders respectively certificates under the seals of the said Company, signed by the President and Vice-President and countersigned by the Secretary-Treasurer, specifying the number of shares belonging to such stockholder; The certificates shall be in the form of Schedule A annexed to this Act, and they shall be transmitted back to the said Company whenever a transfer of shares shall take place, and new certificates shall be issued to the parties entitled thereto. Certificates to be issued to stockholders.

10. The transmision of shares shall be effected by Deed of conveyance in form of Schedule B of this Act; The transfer shall be signed by the transferor and accepted by the transferee, and shall be delivered with the certificate of the transferor to the Secretary-Treasurer of the Company, who shall enregister the same in a book to be called the Register of Transfers, and a new certificate or new certificates shall be granted in the manner hereinabove mentioned. How transfers of shares shall be effected.

11. It shall be lawful for the said Company to sue for and recover any unpaid instalment, with interest, from any shareholder, by means of an action in any Court having jurisdiction Company may sue for and recover un-

paid instalments.

to the amount claimed, and the Directors of the said Company shall have the right, at the expiration of thirty days after notice to that effect duly given to the party, to forfeit the shares of any stockholder who shall not have paid any instalment which may have fallen due, and this whether before or after judgment for the recovery thereof.

RESPONSIBILITY OF SHAREHOLDERS.

Responsibility of shareholders limited.

12. The shareholders as such shall not be held responsible for any claim, engagement, loss or payment, nor for any damage, transaction, matter or thing relating to or in connection with the said Company, or any obligations, acts or defaults of the said Company, beyond the amount of their shares respectively, or the amount still remaining unpaid thereon.

ADMINISTRATION OF THE COMPANY.

Board of Directors constituted.

13. The business of the Company shall be transacted and administered and its powers exercised by a Board of nine Directors, six of whom shall be selected from among the shareholders residing in the parishes of St. David, St. Hugues, St. Guillaume, St. Michel d'Yamaska, St. Aimé, and St. Marcel, and three from among the other shareholders in the Company.

Qualifications of Directors.

14. Every Director shall be the proprietor of at least five shares, which shares shall be inalienable so long as he shall continue to hold office.

Election of Directors.

15. The Directors shall be elected and appointed every year at the annual general meeting of the Company, by the shareholders then present, in person or by proxy.

Present Directors continued.

16. The present Directors and President of the said Yamaska Navigation Company, shall remain in office as such until the next annual general meeting.

Appointment of officers.

17. The Board of Directors shall meet yearly, within a fortnight after their election, and shall elect, from among its members, a President and Vice-President, and shall appoint a Secretary-Treasurer.

In case of death, resignation, &c.

18. In case of the death, prolonged absence from the country, or of the resignation of one of the Directors, or refusal on his part to accept the office, the Board of Directors shall appoint another in his place.

Quorum.

19. At all meetings of the Directors, five of them shall constitute a quorum; the questions shall be decided by the majority of the Directors present, and in case of equal division

Casting Vote.

the President shall have a casting vote.

20.

Duties of President. Meetings.

20. The President, or in his absence the Vice-President, shall call meetings of the Directors whenever the occasion shall require, and in the event of their failure or neglect to do so, any two Directors may call a meeting: the meetings of Directors shall be summoned by circular letters, transmitted by post, at least eight days before the meeting.

Duties of Board of Directors.

21. The Board of Directors shall appoint such agents, sub-agents, captains or other servants, as may be necessary for the carrying on the business of the said Company, and shall remove the same when they think proper and desirable; they shall appoint auditors for the auditing of the accounts, and shall fix the remuneration of the Secretary-Treasurer, and of all the servants of the Company, and the security to be taken where any security is required, from any of them, for the faithful execution of their respective duties.

By-laws.

22. The Board of Directors shall make By-laws for the conduct and administration of the affairs of the Company, which shall not be contrary to the laws of this Province, nor to the provisions of this Act, and which they shall deem useful and necessary, and shall change, amend, revoke and revive them as they may deem expedient.

Books of account.

23. Books of account shall be kept at the office of the Company, in which shall be regularly entered and transcribed all the affairs and transactions of the Company, and books shall also be kept on board the steamboats, in which shall, regularly and strictly, be entered and transcribed all the receipts and expenditure (by the servants of the Company) of the said Company on board thereof.

President to preside at meetings, &c.

24. The President shall superintend the administration of the affairs of the said Company, and shall preside at the general meetings, and at those of the Board of Directors; in his absence the Vice-President shall discharge his duties, and in the absence of both from the meetings, a temporary President shall be appointed.

Duties of Secretary-Treasurer.

25. The Secretary-Treasurer shall keep minutes of the proceedings of the Board of Directors, and of the general meetings of the Company, shall receive the moneys of the said Company, and shall be responsible therefor, and shall keep the books of account and the other books of the said Company.

Contracts, &c., to be binding on Company.

26. Every contract, agreement, engagement or bargain by the Company, or by one or more of the Directors, or by any agent or agents of the Company on behalf of the said Company, and every promissory note made or endorsed, and every bill of exchange drawn, accepted or endorsed on behalf of the Company, by such Director or Directors, agent or agents, in general accordance with the powers to be devolved to and conferred on them

 respectively

respectively, under the said By-laws, shall be binding upon the said Company; and in no case shall it be necessary to have the Seal of the Company affixed to any such contract, agreement, engagement, bargain, promissory note or bill of exchange, or to prove that the same was entered into, made or done in strict pursuance of the By-law, nor shall the Agent be thereby subjected individually to any liability whatsoever; Provided always that nothing in this section shall be construed to authorize the said Company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money or as the note of a Bank.

Proviso—against Banking.

Office of Company.

27. The Board of Directors of the said Company shall, from time to time, fix the place at which the office of the said Company shall be kept, and may change the same whenever they shall think proper so to do.

GENERAL MEETINGS AND ELECTIONS OF DIRECTORS.

Annual general meeting.

28. The annual general meeting of the said Company shall be held at the Village of St. Aimé, on the first Wednesday of the month of February in each year, for the election of Directors, and for the general transaction of the business of the Company.

Special general meetings.

29. A special general meeting of the shareholders shall be called by the Board of Directors, for the consideration and transaction of the affairs of the Company, whenever the affairs of the Company may render the same necessary, and notice thereof shall be given by circular letters, specifying the purpose of the meeting, forwarded by post at least eight days before such meeting.

Proceedings at general meetings.

30. The shareholders may be present and vote at general meetings, either in person or by proxy, the holders of the proxies being shareholders authorized in writing in the form of Schedule C of this Act. All questions shall be decided and the Directors shall be elected and appointed by a majority of the votes of the shareholders, and in case of an equality of votes the President shall have the casting vote.

Number of votes according to number of shares.

31. Each shareholder shall be entitled to a number of votes, proportioned to the number of shares which he shall hold in his own name, at least one month before the period of voting, in the proportion following: one vote for every share up to five inclusively; one vote more for every two shares above five exclusively up to fifteen inclusively; and one vote more for every five shares above fifteen.

ANNUAL STATEMENTS OF ACCOUNT AND DISTRIBUTION OF PROFITS.

Annual balance sheet to be prepared.

32. The financial position of the Company shall be ascertained on the thirty-first day of December in each year: The

The Board of Directors, after the balance shall have been completed, shall declare such annual dividends of the profits of the said Company as shall seem to them expedient, or shall ascertain the losses, if any, and shall submit them for the confirmation of the annual general meeting. Dividends to be declared.

33. An exact and detailed statement shall be made each year of the affairs, debts, credits, profits and losses, which said statement shall be entered on the books of the said Company, and the books shall be open to the inspection of all the shareholders. Annual statement.

34. The auditors of the said Company shall every year, during the fifteen days preceding the annual general meeting, meet at the office of the said Company, shall audit the accounts of the previous year, and shall make their report to the said meeting. Auditors,—their duties, &c.

GENERAL PROVISIONS.

35. Any service effected at the office of the Company, or upon the President, shall be deemed sufficient in all Courts of Justice in this Province. Any stockholder not being in his individual capacity a party to a suit, shall be competent as a witness in such suit. Service of process.

36. If any writ of *saisie-arrêt* be served upon the said Company, the President, Secretary-Treasurer, or any agent thereof, may in such case appear in obedience to such writ, and make such declaration, according to Law, as the circumstances of the case may require; and such declaration shall be considered and received in all Courts of Law in Lower Canada as the declaration of the said Company. In case of *saisie-arrêt*.

37. This Act shall be deemed to be a Public Act. Public Act

SCHEDULES REFERRED TO IN THE ABOVE ACT.

SCHEDULE A.

YAMASKA NAVIGATION COMPANY.

Number

These are to certify that A. B., of , is proprietor of shares in the Yamaska Navigation Company, subject to the rules, orders and regulations of the said Company; and that the said A. B., his heirs and assigns, are entitled to the profits and advantages of the said shares.

Given under the Common Seal of the said Company, on the day of , in the year of our Lord

SCHEDULE

SCHEDULE B.

YAMASKA NAVIGATION COMPANY.

I, A. B., of , in consideration of the sum of , to me paid by C. D. of , do hereby assign and convey to the said C. D. shares in the Yamaska Navigation Company, to be enjoyed by the said C. D., his heirs and assigns, subject to the same conditions under which I held them.

And I, the said C. D., do hereby agree to accept and take the said shares, subject to the same conditions.

In testimony whereof, we have signed the present assignment, at the day of

Witness :

SCHEDULE C.

YAMASKA NAVIGATION COMPANY.

I, A. B., of , one of the shareholders of the Yamaska Navigation Company, do hereby appoint C. D., of , to be my proxy, to vote in my absence for me and in my name, on all matters whatsoever proposed at the meeting of shareholders of the said Company, to be held on the day of next, as the said C. D. shall deem expedient.

In testimony whereof, I have signed these presents, on the day of

Witness :

CAP. LXIV.

An Act to empower *The Quebec Advocates' Library* to sell and dispose of their Library.

[*Assented to 24th July*, 1858.]

Preamble. WHEREAS "The Quebec Advocates' Library" are desirous of selling and disposing of their Library to the Bar of Lower Canada, Section of the District of Quebec; *And* whereas it is expedient that they should be empowered so to do: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1.

1. "The Quebec Advocates' Library" are hereby authorized and empowered to sell and dispose of their Library to the Bar of Lower Canada, Section of the District of Quebec, a body corporate and politic, on such terms and conditions as may hereafter be agreed upon between "The Quebec Advocates' Library" and the said Bar of Lower Canada, Section of the District of Quebec. Power to sell Library on such terms and conditions as may be agreed upon.

2. This Act shall be deemed a Public Act. Public Act.

CAP. LXV.

An Act to incorporate the Church Society of the Diocese of Huron, and for other purposes therewith connected.

[*Assented to 24th July*, 1858.]

WHEREAS Her Majesty, by Her Royal Letters Patent, bearing date at Westminster, on the second day of October, in the twenty-first year of Her Majesty's Reign, was pleased to divide the Diocese of Toronto into two Dioceses, the one to be called the Diocese of Toronto, and the other the Diocese of Huron, in the manner and with the limits and boundaries in the said Letters Patent mentioned; and by reason of such division it hath become expedient to incorporate a *Church* Society, in the Diocese of Huron; And whereas a Society for the said Diocese of Huron hath been recently formed, and hath prayed that the members thereof and their successors may hereafter form a separate society, with the corporate name and rights, and subject to the provisions hereinafter mentioned: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. From and after the passing of this Act, there shall be and there is hereby constituted in and for the Church of England *Diocese* of Huron as now constituted, a corporation by the corporate name of the *Church Society of the Diocese of Huron*, which shall have and is hereby invested with the like corporate rights, powers and privileges, as by any Act or Acts of the Parliament of this Province, are conferred on any Church Society incorporated in any Diocese of the Church of England in this Province; and to the said corporation and to the members thereof, the several clauses and provisions of the said Acts shall apply as fully as they would have applied to any of the said Church Societies and to the members thereof, in so far as may not be inconsistent with this Act, and subject always to the provisions herein contained. The said church society incorporated. Powers.

2. The Church Society of the Diocese of Huron hereby incorporated, shall be composed and consist of the Lord Bishop of Of whom to consist.

of the Diocese of Huron for the time being, and of those members of the Church Society of the Diocese of Toronto, who shall at the time of the passing of this Act, be resident within the Diocese of Huron, unless and until it shall be otherwise provided by the By-laws of the said Church Society of the Diocese of Huron, and of such other persons as shall, from time to time, hereafter be elected members of the said Church Society, in manner provided by the Acts aforesaid.

Society may receive certain property.

3. The Church Society of the Diocese of Huron shall and may receive and take from any of the said Church Societies, any of the property held by such last mentioned Societies, and discharge the trusts relating thereto, and such last mentioned Societies shall thereupon be discharged from such trusts.

Saving of Her Majesty's rights.

4. Nothing herein contained shall be construed to affect in any manner or way the rights of Her Majesty, Her Heirs or Successors, or of any person or persons, or of any body politic or corporate, such only excepted as are herein mentioned and provided for.

Public Act.

5. This Act shall be deemed a Public Act.

CAP. LXVI.

An Act to incorporate the Board for the management of the Temporalities Fund of the Presbyterian Church of Canada in connection with the Church of Scotland.

[*Assented to 24th July*, 1858.]

Preamble.

WHEREAS it hath been represented to the Legislature of this Province, that it is desirable that provision should be made for the management and holding of certain funds of the Presbyterian Church of Canada in connection with the Church of Scotland, now held in trust by certain Commissioners, hereinafter named, on behalf of the said Church, and for the benefit thereof, and also of such other funds as may from time to time be granted, given, bequeathed, or contributed in addition thereto; And whereas the said funds are so held in trust, and the revenues thereof are to be appropriated for the encouragement and support of Ministers and Missionaries of the said Church, and for the augmentation of their stipends, and towards making a provision for those who may be incapacitated by age or infirmity; And whereas, secondly, when and if it shall so please the said Church, and so soon as other funds hereafter shall be contributed, subscribed, or paid in from any source for the purpose to the Corporation hereby erected, it is desired that such other funds shall be appropriated for granting aid towards the erection and maintenance and endowment of Churches and Manses, in connection with the said Church, and

and the aiding of young men to study for the Ministry; And whereas the erection of a Corporation will best promote the purposes aforesaid: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Corporation constituted: its Members and corporate name.

1. The Reverend Alexander Mathieson, of Montreal, Doctor in Divinity; the Reverend John Cook, of Quebec, Doctor in Divinity; Hugh Allan, Esquire, of Montreal; John Thompson, Esquire, of Quebec; and the Rev. Hugh Urquhart, of Cornwall, Doctor in Divinity; and John Young, of Hamilton, Esquire; John Cameron, of Toronto, Esquire; and Thomas Paton, of Montreal, Esquire, with four additional members, and their successors, to be elected in the manner hereinafter provided, shall be, and they are hereby declared to be a body politic and corporate, in name and in deed, by the name of the "Board for the management "of the Temporalities Fund of the Presbyterian Church of Ca- "nada, in connection with the Church of Scotland," and for the purposes herein aforesaid recited, by that name shall have perpetual succession and a common seal, and they and their successors, by the name aforesaid, may sue and be sued, implead and be impleaded, answer and be answered unto, in any Court of Record or place of Judicature in this Province; and they and their successors shall be able, in law, to take, have and hold and enjoy, possess and retain, and shall henceforth have, hold, enjoy and possess, in trust, for the said Church, and for the aforesaid firstly hereinabove specified uses, all moneys, debentures, bonds, bank or other stocks and securities, which are now held by the said hereinbefore named parties as Trustees or Commissioners of the said Church, in trust for the said Church; but such holding is subject always to the special condition that the annual interest and revenues of the said moneys and fund now in their hands shall be and remain charged and subject, as well as regards the character as the extent and duration thereof, to the several annual charges in favour of the several Ministers and parties severally entitled thereto, of the several amounts and respective characters and durations as the same were constituted and declared at the formation of the said funds, and the joining of the same into one fund; And the said Board shall also have power without license of mortmain, or *lettres d'amortissement*, to have, hold, receive, take, enjoy and possess, by gift, voluntary conveyance devise, bequest, or otherwise, to them and their successors, any real or personal estate, to and for the use of the said Board for any or either of the purposes aforesaid; Provided always, that any real estate which may be so acquired, by the said Board, shall be sold within two years from the date of such acquisition thereof by the said Corporation, and the proceeds thereof invested in the public securities of the Province, Municipal Debentures, stock of the Chartered Banks, or other securities, for the uses aforesaid; And provided further, that any such real

Corporate name and general powers.

Certain funds vested in them in trust.

Condition on which they shall be held.

Further power to hold property.

Proviso: as to real estate.

Proviso: as to

certain real estate not sold within a given time.

real estate which shall not be sold and alienated within two years from the time when the same is received by the Corporation, shall revert to the party from whom the same came to the Corporation, or to his or her heirs, devisees or other representatives; And provided also, that no will shall be valid and sufficient to pass any real or personal estate to the said Corporation, unless such will shall have been executed by the testator six calendar months prior to his decease; And such Board and their successors shall, moreover, have power to sell, dispose of, exchange, alter, vary, or renew any of the investments heretofore made by them, or hereafter to be made of the said funds, or such other funds, or any of them, and to re-invest any moneys arising therefrom, and acquittances, conveyances, transfers, releases, receipts and discharges to make and give as occasion may demand.

Proviso: as to devises to the corporation.

Further powers.

Annual retirement of members, and election of members in their places.

2. At the first meeting of the Synod of the said Church hereafter, there shall be elected by the said Synod seven members of the said Board, of whom four shall be laymen and three, ministers, all members of the Presbyterian Church of Canada in connection with the Church of Scotland, in place of two laymen and one minister, members of the said Board, who shall then retire, but who shall be eligible, as shall all other retiring members, for re-election; and thereafter, two ministers and two laymen shall retire from the said Board annually in rotation, on the third day of the annual meeting of the Synod or other court of highest jurisdiction of the said Church, and their places shall be supplied by two ministers and two laymen, then elected by the said Synod; and the mode in which the said trustees hereby named shall retire, shall be defined by by-law of the said corporation, or in default thereof by the Synod, but the members of the Board who shall from time to time be elected in the stead of the afore-named members shall, after all the said eight members of the Board named in this Act shall have gone out, retire from office in the proportions aforesaid in rotation according to the seniority of their election: In the event of the death, resignation, removal from the Province, or leaving the communion of the said Church of any member of the said Board, the remaining members, or a majority of them present at any general meeting duly convened for that purpose, shall choose a minister or layman to fill such vacancy, subject however to the approval of the said Synod or other court at its next meeting, so that the said Board shall always consist of twelve members, of whom five shall be ministers and seven shall be laymen, all being ministers or members in full communion of the said Church; Provided always, that until such first annual meeting of its Synod as aforesaid and the election of the said seven members thereat, all the powers, rights and duties conferred upon the said Board by this Act, shall be exercised by the said eight persons named in this Act, as fully and effectually as if the said Board consisted of twelve members as aforesaid.

Casual vacancies how to be filled.

Provision until first meeting of the Synod.

3.

3. The said Reverend John Cook, Doctor in Divinity, or in his default any other of the said eight persons named in this Act, shall call a meeting of the said Board, within six months after the passing of this Act, at the City of Montreal, at which meeting the members of the said corporation then present, or a majority of them, shall then choose and elect from among the members of the said Board, a Chairman, holding office during the pleasure of the said corporation, and such Corporation shall elect successors to him as often as occasion may require or the by-laws of the said corporation shall prescribe; and at such meeting, and at all other meetings of the Board, seven shall constitute a quorum: The said corporation shall further have power, if they see fit, to appoint an executive committee of three members, defining their duties and powers by by-law or by-laws, and shall also have power and authority to appoint on such terms as they may deem suitable, a Secretary, who shall not be a member of the Board, and such subordinate officers as may be necessary, and the same to dismiss or remove as they shall see fit, and shall further have power and authority to make and defray all necessary expenditure for and on behalf of the said corporation.

First meeting of the Board.

Quorum.

Executive Committee, and officers, &c.

4. The said corporation or the majority thereof present at any meeting of the said corporation duly convened, shall have power and authority to frame and make statutes, by-laws, rules and orders, touching and concerning the good government of the said corporation, and the collection, administration, investment, application, appropriation and management of the funds aforesaid, and any other matter or thing which to them shall seem fit or expedient for the effectual attainment of the objects of the said corporation and the administration of its concerns, and for fixing, ascertaining and establishing the scale or rate of stipend from the said funds to the ministers or others entitled thereto under the provisions of this Act, subject however to the aforesaid original annual or other charges, and the scale or rate of annuities payable to superannuated or disabled ministers, and the same to vary, alter, repeal or make anew; Provided always that all such by-laws shall be submitted to the first meeting of the Synod, or other supreme court thereafter, for confirmation, amendment or rejection, but in the meantime shall till then be operative as *interim* by-laws.

Power to make Statutes, By-laws, &c.—for what purposes.

Proviso.

5. The said Board shall prepare and submit annually to the said Synod or other Supreme Court of the said Church, on the first day of the annual session thereof, a balance-sheet of the financial affairs of the fund, exhibiting the receipts and disbursements of the said corporation during the financial year next preceding such meeting, and also a report of their proceedings during such period.

Annual report to the Synod.

6. The said Corporation shall hold their meetings at such place or places within this Province as they shall from time to time direct and appoint.

Place of meeting.

7. This Act shall be deemed a Public Act.

Public Act.

CAP.

CAP. LXVII.

An Act to amend the Charter of Victoria College.

[*Assented to 24th July*, 1858.]

Preamble. WHEREAS it has been represented by the Board of Victoria College, in a Memorial addressed to the Provincial Legislature, that it is desirable on several grounds to increase the number of the members of that Board from fourteen to twenty-four, to consist of an equal number of Clergymen or Ministers and Laymen: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Act 4, 5 Vic., cap. 37 amended. **1.** The Charter of the Victoria College contained in the Act fourth and fifth Victoria, chapter thirty-seven, shall be and is hereby amended as follows:

Board to consist of twelve clergymen and twelve laymen. 1. The Board of the said College shall consist of twenty-four members, twelve of whom shall be Clergymen or Ministers, and twelve shall be Laymen, exclusive of the President of the Executive Council, the Speakers of the Legislative Council and Legislative Assembly, and the Attorney and Solicitor General for Upper Canada;

Trustees to be twelve, and four to retire yearly. 2. The Trustees of the said College shall be twelve, four of whom, in regular succession, shall retire from office annually, and their places be filled up in the manner provided in said Act fourth and fifth Victoria, chapter thirty-seven; Provided always, that each retiring Trustee shall be eligible for re-election to office as Trustee;

Proviso.

Visitors to be twelve. 3. The Visitors of the said College shall be twelve, (exclusive of the President of the Executive Council, the Speakers of the Legislative Council and Legislative Assembly, and the Attorney and Solicitor General for Upper Canada, who are *ex-officio* Visitors by law,) to be elected annually in the manner provided in the Charter of the said College, but each Visitor shall be eligible for re-election to office.

Provisions of 4 & 5 Vic., cap. 37, to continue to apply as heretofore. **2.** All the provisions of the said Act fourth and fifth Victoria, chapter thirty-seven, shall apply to the Board and meetings of the Trustees and Visitors of the said College, as constituted by the foregoing provisions of this Act, in the same manner as they have hitherto applied to the said Board and meetings of the Trustees and Visitors of the said College under the said Act; and all the provisions of the said Act which are inconsistent with this Act, are hereby repealed.

Public Act. **3.** This Act shall be deemed a Public Act.

CAP.

CAP. LXVIII.

An Act to modify the personal composition of the Corporation of the Seminary of Nicolet.

[*Assented to 24th July*, 1858.]

Preamble.

WHEREAS Monseigneur Pierre Flavien Turgeon, Catholic Archbishop of Quebec, Monseigneur Charles François Baillargeon, Coadjutor of the said Archbishop, Charles Olivier Caron, Grand Vicaire of the District of Three-Rivers, and François Xavier Côté, *archiprêtre*, *curé* of Ste. Geneviève, and the senior *curé* in the said District, the now members of the Corporation for the superintendence and administration of the Seminary of Nicolet, erected by Royal Letters Patent, issued at the Castle of St. Louis in Quebec, on the tenth day of December, one thousand eight hundred and twenty-one, by His Most Gracious Majesty King George the Fourth, under the Great Seal of the Province of Lower Canada, and the hand of His Excellency George, Earl of Dalhousie, then Governor General of the said Province, have by their petition represented, that in consideration of the erection of a new Bishopric at Three-Rivers, and the great distance at which they reside from the said Seminary, it has become necessary to modify the personal composition of the Corporation, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Part of former letters patent repealed.

Of whom the said Corporation shall hereafter consist.

1. So much of the letters patent of the Seminary of Nicolet, granted as above mentioned by His Most Gracious Majesty King George the Fourth, as fixes the number of the persons, and the persons, who shall constitute and compose the said Corporation, shall be and is hereby repealed in that respect; And the said Corporation of the Seminary of Nicolet shall hereafter be constituted and composed as follows: 1st. Of the Roman Catholic Bishop of Three-Rivers; 2nd. Of the Grand Vicar of the said Bishop, residing in the town of Three-Rivers; 3rd. Of five resident members, that is to say, residing in the Seminary of Nicolet, which said five members shall be, Messieurs Thomas Caron, priest, Superior of the said Seminary of Nicolet; Louis Richer Lafleche, priest, Superintendent of Studies; Antoine Narcisse Bellemarre, priest, Director of the Students; François Xavier Côté, priest, *procureur*, and François Desaulniers, subdeacon, Professor of Philosophy, all residing and employed in the said Seminary of Nicolet, or their successors in office as such resident members of the said Corporation of the Seminary of Nicolet.

How the resident members shall be re-

2. When any one of the five resident members of the said Corporation shall vacate the said office of resident member, either by death or by resignation of the said office, or by ceasing to reside

at

placed in case of vacancies.

at the said Seminary, he shall be replaced as resident member of the said Corporation of the said Seminary of Nicolet by a Roman Catholic Ecclesiastic appointed for that purpose by the majority of the remaining members of the said Corporation; and thereafter the same rule shall be followed whenever any vacancy shall occur in the number of the resident members of the said Corporation of the Seminary of Nicolet.

Certain rights not affected.

Powers of the Corporation continued.

3. This Act shall in no way affect any rights acquired before the passing thereof, by the said Corporation or by any other parties, but such rights shall preserve the same effect as heretofore; and the said Corporation so modified as to its personal composition may, in the interest of the institution and of society, sue and be sued, acquire and hold property as provided in the said letters patent above mentioned, and exchange, sell and alienate the same, and generally enjoy all the rights and privileges thereby granted.

Name of the Corporation.

4. The said *Corporation for the superintendence and administration of the Seminary of Nicolet*, shall, after the passing of this Act, be known and designated as the *Corporation of the Seminary of Nicolet.*

Public Act.

5. This Act shall be deemed to be a Public Act.

CAP. LXIX.

An Act to incorporate Knox College.

[*Assented to 24th July*, 1858.]

Preamble.

WHEREAS a Theological Institution has been for some time, and is now in operation in Toronto, in this Province, under the authority of the Synod of the Presbyterian Church of Canada; And whereas the property now held in trust for the said institution has been acquired from persons who granted or conveyed the same for the purpose of creating an educational establishment, wherein the Theological principles and doctrines of the Presbyterian Church of Canada should be taught, and the said Synod has petitioned the Legislature for an Act to incorporate the said Institution, under the name of "Knox College;" And whereas it is expedient to comply with the said Petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Who shall be members of the Corporation.

1. James Gibb, of Quebec; James Court, John Redpath and the Reverend Alexander F. Kemp, of Montreal; John R. Dickson and James Stewart, of Kingston; George Hay, of Ottawa; Andrew Jeffrey, of Cobourg; William Heron and the Reverend Thomas Lowry, of Whitby; Donald McLellan, James Osborne and the Reverend David Inglis, of Hamilton; Morris

Morris C. Lutz, of Galt; Charles Allan, of Elora; Alexander D. Ferrier, of Fergus; Andrew Smith, of Woodstock; William Clarke and the Reverend John Scott, of London; Archibald Young, of Port Sarnia; George Brown, Christopher S. Patterson, the Reverend Michael Willis, D. D., and the Reverend William Reid, of Toronto, and all and every such other person or persons as now is or are or shall at any time hereafter be Ministers of the Presbyterian Church of Canada or members of the said church in full communion therewith, shall henceforth be a body corporate under the name of "Knox College," and shall continue to be a body corporate, with perpetual succession, and a common seal, and with the powers vested in corporate bodies by "The Interpretation Act," and also with power under the said corporate name, and without license in mortmain, to hold all property now held by the said Institution, or by any one or more persons in trust for the benefit of the said Institution, and to purchase, acquire, have, take, hold and enjoy, by gift, grant, conveyance, devise, bequest, or otherwise, to them and their successors, any estate or property, real or personal, to and for the use of the said College, in trust for the promotion of theological learning and education of youth for the holy ministry, under the authority and according to the principles and standards of the Presbyterian Church of Canada aforesaid, and also with power to let, convey, or otherwise dispose of such real or personal estate, from *time* to time, as may be deemed expedient, with the *written* consent of the Synod; Provided always that such real *estate* so held by the said College hereby incorporated, shall be such and such only as may be required for the purposes of college buildings and offices, residences for the professors, tutors, students and officers, with gardens or pleasure grounds pertaining thereto; Provided also, that the said College may acquire any other real estate, or any interest therein, by gift, devise, or bequest, if made at least six months before the death of the party making the same, and the College may hold such estate for a period of not more than three years, and the same or any part or portion thereof or interest therein which may not, within the said period, have been alienated and disposed of, shall revert to the party from whom the same was acquired, his heirs or other representatives; And provided also, that the proceeds of such property as shall have been disposed of during the said period, may be invested in the public securities of the Province, stocks of the chartered banks, or other approved securities, for the use of the said College.

Corporate name and general powers.

Application of property.

Proviso: real estate limited.

Proviso: College may acquire by devise, &c., on condition of selling within a certain time.

Proviso: as to investment.

2. It shall be lawful for the Synod of the Presbyterian Church of Canada, at its next ordinary meeting after the passing of this Act, to declare, by a resolution or a By-law to that effect and record in the register of proceedings of the said Synod, the Theological Doctrines and Principles which shall be taught in the said College, or what are the books and documents in which the said principles and doctrines are contained; and

Synod to declare the doctrines to be taught in the college.

Such declaration to be irrevocable.

and such declaration so made and recorded shall be irrevocable in so far as the said College shall be concerned, and shall be held at all times thereafter to contain the Theological Doctrines and Principles to be taught in the said College, and for the propagation of which the property now held for the said College, or hereafter acquired for the same, shall be appropriated, and to no other.

Appointment of professors, &c.

Making of by-laws.

3. And the said Synod of the Presbyterian Church of Canada shall have power at its next or any subsequent meeting, to appoint and remove Professors and Tutors in such way and manner as to them shall seem good; and shall also have power to make rules and by-laws for the government of the said college, and to alter, amend and annul the same and make other rules instead thereof, and also to constitute a Senate for the said College, with such powers as they may deem from time to time expedient; Also to constitute a board of management for the financial and other affairs of the said College not otherwise provided for, in such manner and with such powers and under such conditions as to the said Synod shall from time to time seem expedient; Provided always that such by-laws, rules or regulations be not contrary to this Act or repugnant to the laws of this province.

Constitution of board of management.

Proviso.

Act to apply to any body of Christians formed by the union of the said Church with any other.

4. In case the body of Christians known under the name of the Presbyterian Church of Canada, shall at any time or times hereafter, under that or any other name, unite itself with any other body or bodies of Presbyterians adhering to the principles and doctrines mentioned in the declaration to be made according to the second section of this Act, or in the books and documents therein mentioned as containing the said principles and doctrines, or take such other body or bodies of Presbyterians into union with itself, and in case such united body of Presbyterians shall agree to hold and shall hold a Synod once or oftener in each year according to the manner now in use in the said Presbyterian Church of Canada, then and in every such case this Act shall apply to such united body of Presbyterians under whatever name they shall have formed such union, and all rights, powers and authorities by this Act vested in the Synod of the Presbyterian Church of Canada shall be vested in and apply to the Synod of such united body under whatever name or designation such united body may be known.

Powers of synod to be transferred to general assembly in a certain case.

5. In case the said Presbyterian Church of Canada or such united body as aforesaid shall determine to form itself into two or more Synods, and to form one General Assembly which shall have supreme jurisdiction in such Church or united body, then all the rights, powers and authorities by this Act vested in the Synod of the Presbyterian Church of Canada, or in the Synod of such united body as aforesaid, shall be diverted from the said Synod and be applied to and be vested in such General Assembly; and for the purposes of this Act such General

General Assembly or Supreme Court shall thenceforth exclusively exercise all the rights, powers and authorities conferred by this Act on the Synod of the Presbyterian Church of Canada.

6. This Act shall be deemed a Public Act. Public Act.

CAP. LXX.

An Act to incorporate the Iberville Academy.

[*Assented to 24th July*, 1858.]

WHEREAS several of the inhabitants of the Parish of St. Athanase, in the County of Iberville, have, by their Petition, to the Legislature of this Province, prayed that with the view of promoting education in their locality, they may be incorporated under the name of the "Iberville Academy," and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. Olivier Reeves, Alexandre Dufresne, David Menard, Jacques H. Aubertin, Etienne Sévère Filiatreault, Pierre Régnier, and all other persons who may by virtue of this Act replace or be united with them, shall be and they are hereby constituted a body politic and corporate, under the name of the "*Iberville* Academy," and under the said name shall have power to acquire for themselves and their successors, under any legal title whatever, such real estate as may be required and necessary for the actual occupation of the said Academy, and may sell and alienate the same, and acquire others in their stead for the purposes of this Act: For the administration and government of the Academy they shall make such by-laws not contrary to law as they shall deem expedient, providing at the same time for their amendment or repeal, and generally shall have all necessary corporate powers for the purposes of this Act; Provided always that the said Academy may acquire any other real estate or any interest therein, by gift, devise or bequest, if made at least six months before the death of the party making the same; and the Academy may hold such estate for a period of not more than three years, and the same or any part or portion thereof or interest therein which may not within the said period have been alienated and disposed of, shall revert to the party from whom the same was acquired, his heirs or other representatives; And provided also, that the proceeds of such property as shall have been disposed of during the said period, may be invested in the public securities of the Province, stocks of chartered Banks, mortgages or other approved securities, for the use of the said Academy. Incorporation and corporate name and general powers. Property for actual occupation. Power to make By-laws. Proviso: Other property may be acquired on condition of disposing of it within a certain time.

2. All the revenues of the said Corporation, from whatever source they may be derived, shall be devoted exclusively to the Purposes to which the

 maintenance

revenue shall be applied.

maintenance of the Academy and to the furtherance of education, and to no other purpose.

Power to appoint officers and instructors.

3. The members of the said Corporation shall have power, in accordance with the provisions of their by-laws, to appoint one or more persons as attorneys, or *préposés*, for the affairs of the Corporation, and for the administration of the property thereof, and to grant them remuneration as such; they shall also have power to select and remunerate certain persons as instructors, and may confide the duty of instruction to them, subject to such conditions and in such manner as they may deem expedient.

Academy may be united to the elementary school.

4. The members of the said Corporation shall have power to enter into an agreement with the School Commissioners of their School Municipality, for the union of the elementary school with the Academy, and the Commissioners are authorized to that effect by this Act.

Period during which members shall remain in office.

5. The persons above appointed shall be bound to act as members of the said Corporation for the space of five years, to be computed from the day on which their first meeting shall be held, which meeting may be called at any time after this Act shall come into force, by any two of the persons above named, and at which meeting the said Corporation may choose a President and Secretary; it shall also be lawful for the said persons, after the expiration of the said five years, to remain members of the said Corporation for such length of time as they may think proper; the said Corporation shall never be composed of less than five members, and the vacancies as they occur shall be filled up in the manner provided by the by-laws.

Number of members.

How vacancies shall be filled.

Public Act.

6. This Act shall be deemed a Public Act.

CAP. LXXI.

An Act to incorporate the General Hospital of the District of Three Rivers.

[*Assented to 24th July*, 1858.]

Preamble.

WHEREAS certain members of the Clergy, Magistrates, and other inhabitants of the District of Three Rivers, have prayed for the incorporation of an institution to be located in the City of Three Rivers, under the name of the *General Hospital of the District of Three Rivers;* And whereas urgent reasons have been assigned in support of the prayer thereof: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1.

Certain officers and persons to be Trustees of the General Hospital of the District of Three Rivers, and as such a Corporation.

1. From and after the passing of this Act, the Mayor and Councillors of the City of Three Rivers, constituting the corporation of the City of Three Rivers, and their successors forever, shall appoint one person who, together with four other persons resident within the said City, to be appointed by the Governor in Council, during pleasure, shall be the Trustees of the said Hospital, and shall form and be a body corporate by the name of the *General Hospital of the District of Three Rivers*, and as such shall have the usual powers and rights of bodies corporate, and shall have power to acquire and hold such real estate as may be required and necessary for the actual occupation of the said Hospital, and to alienate, sell, convey, lease, or otherwise dispose of the same or any part thereof from time to time and as occasion may require and to acquire other instead thereof: Provided always that the said Corporation may acquire any other real estate or any interest therein, by gift, devise or bequest, if made at least six months before the death of the party making the same, and the Corporation may hold such estate for a period of not more than three years, and the same, or any part or portion thereof, which may not, within the said period have been alienated and disposed of, shall revert to the party from whom the same was acquired, his heirs or other representatives; And provided also that the proceeds of such property as shall have been disposed of during the said period may be invested in the public securities of the Province, Stocks of chartered Banks, mortgages, or other approved securities for the use of the said Corporation; And the said corporation also shall and may, from time to time, make such By-laws and Rules for the internal management and regulation of the said Hospital as shall to them seem meet and expedient; Provided always that such By-laws or Rules shall be laid before the Governor in Council within thirty days after the same shall have been so made as aforesaid, and may be by him disallowed within one month thereafter; and any three of the said Trustees shall form a quorum for the transaction of business; And provided further, that the term of appointment by the Governor in Council of any of the aforesaid Trustees shall not be for a longer period than three years; but they shall act as such Trustees until their successors are appointed, and every such Trustee shall be eligible for re-appointment.

General corporate powers.

Power to hold land for actual occupation.

Proviso: they may accept other land on condition of disposing of it within a certain time.

Proviso: as to investment of proceeds.

Quorum.

Proviso.

Proviso.

Trustees may appoint a clerk or secretary, and shall account for all moneys received by them to the Governor in Council, on demand, and to both Houses of Parliament annually.

2. The said Trustees, by the name aforesaid, shall have the power to appoint a Clerk or Secretary and Agent, and to remove him at their pleasure, and to appoint another in the place of the person so removed; and it shall be the duty of the said Trustees to invest in good and sufficient securities all moneys which may at any time come into their hands for the use and support of the said Hospital, and from time to time, when required so to do by the Governor in Council, to render an account in detail of all moneys received by them as such Trustees, specifying the sources from which the same have arisen or been received, and the manner in which the same have

have been invested and expended, and all such particulars as may be necessary to shew the state of the funds and endowment of the said Hospital; and the said Trustees shall also lay an annual statement of their affairs before both branches of the Legislature within thirty days after the commencement of each session.

Power to sue and be sued.

3. The said Trustees, by the name aforesaid, may sue and be sued, implead and be impleaded, in all and every the Courts of Law in this Province.

Trustees to form a Board and appoint a President who shall have a casting vote.

4. The said Trustees shall form a Board, who shall proceed, as soon as they are organized by the election of one of the said trustees by the said Corporation of the City of Three Rivers, and the appointment of four other trustees by the Governor in Council, to name a President of the said Board; and in case of an equal division of votes in the said Board on any matter or proceeding therein, the said President shall have a casting vote, and his decision shall be final.

Trustees to appoint a medical staff for the use of the said Hospital.

5. The said Trustees may name, constitute and appoint a Medical Staff, to be composed of not more than three licensed Physicians and Surgeons, to attend to the wants of the inmates of the said Hospital, with power to fix the duration of their office, to remove them and appoint others in their stead, and to fix such salary and emoluments as they may deem advisable.

The clerk of the Trustees to be the secretary of the Board of the Trustees, and in such capacity to have certain powers.

6. The Clerk or Secretary and Agent of the said Trustees mentioned in the second section of this Act, shall be the Secretary of the Board of Trustees, and shall in such capacity, be the person on whom all process issuing out of any Court of Law in this Province shall be served, touching and concerning any matters or proceedings relating to the said Hospital, and shall be and is hereby authorized to affix the seal of the said corporate body to any act or acts, deed or deeds, requiring the same.

Trustees may sell lands.

7. The said Trustees for the time being shall have power and authority to sell and dispose of any lot or parcel of land which may belong to the said Hospital, and which it may be deemed advantageous to dispose of.

Trustees may borrow £5,000 on debentures on the security of the funds and property of the Hospital.

8. It shall be lawful for the said Trustees, and they are hereby authorized, from time to time, to borrow for the purposes of the said Hospital, such sum or sums of money, not exceeding in the whole the sum of Five thousand pounds currency, as they may lawfully require for the purposes of the said Hospital, and to issue a debenture or debentures for the raising of such loan, in such sum or sums, at such rate of interest and for such period or periods as the said Trustees may find expedient, and to hypothecate for the securing of such loan any real estate belonging to the said Corporation: Provided always

Proviso.

always that no such debenture shall be issued for a longer period than twenty years, or for a sum under One Hundred Pounds, or bear a higher rate of interest than eight per cent., and that the interest thereon shall be payable half yearly.

9. This Act shall be deemed a Public Act. Public Act.

CAP. LXXII.

An Act to incorporate the St. George's Society of Toronto.

[*Assented to 24th July*, 1858.]

WHEREAS John Beverley Robinson, Thomas Brown, George S. Jones, Robert Dodgson, F. W. Coate, George T. Walton, George Bilton, George Thomas, Henry Godson, Julian Sale, Isaac Falkner, B. Saunders, Frank John Joseph, and others, have by their petition to the Legislature represented, that the Association, of which they are members, known as the St. George's Society of Toronto, has for many years been formed for the benevolent purposes of affording pecuniary, medical, and other relief to such natives of England and Wales, and their descendants, as may from sickness or other causes have fallen into distress, and have prayed that for the better attainment of the objects of the said Association, it may be invested with corporate powers, and by reason of the good effected by the Association, it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. The said John Beverley Robinson, M. P. P., Thomas Brown, George S. Jones, Robert Dodgson, F. W. Coate, George T. Walton, George Bilton, George Thomas, Henry Godson, Julian Sale, Isaac Falkner, B. Saunders, Frank John Joseph, and such other persons as are now members of the said association, or shall hereafter become members thereof, under the provisions of this Act, and the By-laws made under the authority thereof, and their successors, shall be and they are hereby constituted a body politic and corporate, by the name of the *St. George's Society of Toronto*, and may by that name sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in all Courts of Law and places whatsoever, and by that name they and their successors shall have perpetual succession, and may have a common seal, and may break, change, alter, or renew the same at pleasure, and shall have power to purchase, take, receive, hold and enjoy such real estate as may be required for the actual occupation of the said Corporation, and to alienate, sell, convey, lease, or otherwise dispose of the same, or any part thereof, from time to time, and as occasion may require, and to acquire other instead thereof; Provided always that the said Corporation may acquire Certain persons and their successors incorporated. Corporate name and powers. Proviso: property limited. Proviso: the

corporation may accept other property on condition of disposing of it within a certain time.

acquire any other real estate or any interest therein, by gift, devise or bequest, if made at least six months before the death of the party making the same, and the Corporation may hold such estate for a period of not more than three years, and the same or any part or portion thereof or interest therein which may not, within the said period have been alienated and disposed of, shall revert to the party from whom the same was acquired, his heirs or other representatives; And provided also, that the proceeds of such property as shall have been disposed of during the said period, may be invested in the public securities of the Province, stocks of chartered Banks, mortgages, or other approved securities for the use of the said Corporation.

Proviso: for investment of proceeds.

Committee of Management, and Members thereof.

2. The affairs and business of the said Corporation shall be managed by a Committee of Management, consisting of a President, a first, second and third Vice-Presidents, a Secretary or Secretaries, a Treasurer, two Chaplains, three Physicians, and seven other Members, to be elected annually at a General Meeting of the members of the Corporation held in conformity to the By-laws thereof, and any five members of the said Committee shall be a quorum for the despatch of business.

What shall be deeds of the Corporation.

3. All deeds, sealed with the Common Seal of the Corporation, and signed by the President or Vice-Presidents, and by some other member of the Committee of Management, and countersigned by the Treasurer, and none other, shall be held to be deeds of the Corporation: Provided always that the Treasurer for the time being may receive all moneys payable to the Corporation, and grant valid receipts therefor.

Proviso.

Corporation may make By-laws.

4. It shall be lawful for the said Corporation to make By-laws for the admission and expulsion of members, and for the proper administration of the property and affairs of the Corporation, and to repeal or amend the same from time to time; and such By-laws and amendments shall be proposed and seconded at a previous Quarterly Meeting. No number of members less than one-fifth of the Corporation (including the presiding Officer) shall form a meeting for the purpose of altering such By-laws, nor shall any alteration be made therein unless two-thirds of the members present agree to it.

How only they may be made or altered.

General meetings, how held, &c.

5. The General Meetings of the said Corporation shall be held in such manner, after such notice, upon such requisition, and at such times, in the City of Toronto, as shall be directed by the By-laws of the Corporation then in force.

Domicile of the Corporation, and service of proceeds upon it.

6. The usual place of meeting of the said Corporation shall be held to be the legal domicile thereof, and service at such place of any notice or process of any kind, addressed to the said Corporation, shall be held to be sufficient service of such notice or process on the Corporation.

7.

Present By-laws continued till altered.

7. The By-laws of the said Association, in so far as they may not be repugnant to this Act or the laws of this Province, shall be the By-laws of the Corporation hereby constituted until they shall be repealed or altered as aforesaid; Provided always that no By-law shall impose a penalty or forfeiture exceeding two dollars.

Proviso.

First officers and members of the Committee of Management.

8. Until others shall be elected according to the By-laws of the Corporation, the present officers of the Association shall be those of the said Corporation, that is to say, the said John Beverley Robinson shall be the President, the said Thomas Brown shall be the first Vice-President, the said George S. Jones shall be the second Vice-President, the said Robert Dodgson the third Vice-President, the said F W. Coate shall be the Treasurer, the said George T. Walton shall be the Secretary, the Reverend J. Beavan, D. D., and the Reverend H. Scadding, D. D., shall be the Chaplains; Edward Hodder, Francis Badgley, and William Hallowell shall be the physicians, and the said George Bilton, George Thomas, Henry Godson, Julian Sale, Isaac Falkner, B. Saunders, and Frank John Joseph, the other members of the Committee of Management.

Competency of witnesses where the Corporation is concerned.

9. No person otherwise competent to be a witness in any suit, action, or prosecution in which the said Corporation may be engaged, shall be deemed incompetent to be such witness by reason of his being or having been a member or officer of the said Corporation.

Recovery of money due to the Corporation.

10. All subscriptions of members due to the Corporation under any By-law, all penalties incurred under any By-law by any person bound thereby, and all other sums of money due to the Corporation, shall be paid to the Treasurer thereof, and in default of payment may be recovered in any action brought by him in the name of the Corporation in any Court of competent civil jurisdiction: Provided always that nothing herein contained shall be construed to prevent any member from withdrawing at any time from the said Corporation after payment of all arrears due to the funds thereof including the annual subscription for the year then current.

Proviso.

Members may pay up and withdraw.

Annual accounts to be published.

11. The said Committee of Management shall yearly in the month of January, insert in some newspaper published in the City of Toronto, a statement of the amount of the funds and property, debts and liabilities of the said Corporation, certified by the Treasurer and two Auditors elected at any general meeting of the Corporation.

Saving of Her Majesty's rights, &c.

12. Nothing in this Act shall affect any rights of Her Majesty, Her Heirs or Successors, or any party or person whomsoever, such rights only excepted as are herein expressly mentioned and affected.

Public Act.

13. This Act shall be deemed a Public Act.

CAP.

CAP. LXXIII.

An Act to incorporate the Toronto Magdalen Asylum and Industrial House of Refuge.

[*Assented to 24th July*, 1858.]

Preamble. WHEREAS Mesdames M. McCutcheon, Elizabeth Dunlop, Ann Baldwin, Christian Dick, Sarah J. Brett, A. Gilmour, E. A. Badgley, F. J. Baldwin, A. E. Hagerty, C. H. Blake, Mary Richardson, Jane Mowatt, Frances R. Hodgins, Ann Thompson, Caroline Watson and Ann Mulholland, Ladies Directresses and Office Bearers of the *Toronto Magdalen Asylum and Industrial House of Refuge*, have by their petition set forth, that the said Institution was established in the year one thousand eight hundred and fifty-four, since which period a large number of unfortunate females have been reclaimed from vice, and refuge has been afforded to others less criminal but equally friendless, and have prayed that corporate powers be conferred upon them, in order the better to enable them to carry out the philanthropic objects for which the said Institution was founded; And whereas it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Corporation established. Corporate name and powers. **1.** The said Ladies Directresses and Office Bearers of the said Institution, and their successors in their respective offices, are hereby declared to be a body corporate under the name of the *Toronto Magdalen Asylum and Industrial House of Refuge*, and shall, under the said name, have all the corporate powers vested in corporations by the Interpretation Act, and shall have power from time to time to make such by-laws and regulations for the better government of the said Institution as shall be required or seem beneficial, and to alter or repeal the same and make others in their stead, provided always that the same be not contrary to the laws of the Province of Canada nor to this Act; and shall also have power to hold for the benefit of the said Institution property, moveable or immoveable; Provided always that the real property to be held at any time by the said Corporation shall be such only as shall be required for the actual occupation of the Corporation for the purposes of the said Institution.

Proviso: real property to be only such as required for actual use and occupation.

Present estate of institution vested in Corporation, and its rules to be those of Corporation altered. **2.** All and every the estate and property, real or personal, belonging to or hereafter to be acquired by the said Institution, and all debts, claims and rights whatsoever due to it shall be and are hereby vested in the corporation hereby established; and the rules, orders and regulations of the said Institution so far as the same may not be contrary to the laws of this Province or to this Act, shall be and continue to be the rules, orders and regulations of the said Corporation, until altered or repealed under the provisions of this Act.

Public Act. **3.** This Act shall be deemed a Public Act.

CAP.

CAP. LXXIV.

An Act to incorporate the Canadian Society of Joiners and Carpenters of Montreal.

[*Assented to 24th July*, 1858.]

Preamble.

WHEREAS an Association under the name of the *Canadian Society of Joiners and Carpenters of Montreal*, has existed for several years in the City of Montreal, having for its object the aid of its members in case of sickness, and the ensuring of like assistance and other advantages to the widows and children of deceased members; And whereas the members of the said Association have prayed to be incorporated, and it is expedient to grant their petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Society incorporated.

1. Pierre Désautels, H. P. Raza, Edouard F. Dumas, Pierre Couvrette, Joseph T. Dorval, Adolphe Gibeau, Charles Allard, Isidore Paquette, François Délorier, Honoré Gingras, Cyrille Paré, Moyse Martin, together with such other persons as now are members of the said institution, or may hereafter become members thereof, by virtue of this Act, shall be and they are hereby constituted a body politic and corporate, in fact and in name, under the name of the *Canadian Society of Joiners and Carpenters of Montreal*, and by that name shall have power from time to time, and at any time hereafter, to purchase, acquire, possess, hold, exchange, accept and receive for themselves and their successors, all lands, tenements and hereditaments, and all real or immoveable estate, being and situated in Lower Canada, necessary for the actual occupation of the said Corporation, and the said property to hypothecate, sell, alienate and dispose of, and to acquire other instead thereof, for the same purposes; And any majority whatsoever of the said Corporation, for the time being, shall have full power and authority to make and establish such rules, regulations and by-laws, in no respect inconsistent with this Act, nor with the laws then in force in Lower Canada, as they may deem expedient and necessary for the interests and administration of the affairs of the said Corporation, and for the admission of members thereof; and the same to amend and repeal from time to time, in whole or in part, and also such regulations and by-laws of the said Association as may be in force at the time of the passing of this Act; such majority may also execute and administer, or cause to be executed and administered, all and every the business and matters appertaining to the said Corporation, and to the government and management thereof, in so far as the same may come under their control, respect being nevertheless had to the regulations, stipulations, provisions and by-laws to be hereafter passed and established.

Corporate name and general powers.

Real property for actual occupation only.

By-laws.

General powers of administration.

2.

To what purposes only the income of the Corporation shall be applied.

2. Provided always that the rents, revenues and profits arising out of every description of moveable property belonging to the said Corporation, shall be appropriated and employed exclusively for the benefit of the members of the said Corporation, and for the erection and repair of the buildings necessary for the purposes of the said Corporation, and for the payment of expenses legitimately incurred in carrying out any of the objects above referred to.

Transfer of property of the association to the Corporation; and of its By-laws until altered.

3. All real and personal estate at present the property of the said Association, or which may hereafter be acquired by the members thereof in their capacity as such, by purchase, donation or otherwise, and all debts, claims and rights which they may be possessed of in such capacity, shall be and they are hereby transferred to the corporation constituted by this Act, and the said corporation shall be charged with all the liabilities and obligations of the said Association; and the rules, regulations and by-laws, now or hereafter to be established for the management of the said Association, shall be and continue to be the rules, regulations and by-laws of the said corporation, until altered or repealed in the manner prescribed by this Act.

Appointment of administrators, &c., and their powers.

4. The members of the corporation, for the time being, or the majority of them, shall have power to appoint administrators or managers for the administration of the property of the Corporation, and such officers, managers, administrators or servants of the said corporation, as may be required for the due management of the affairs thereof, and to allow them respectively a reasonable and suitable remuneration; and all officers so appointed shall have the right to exercise such other powers and authorities for the due management and administration of the affairs of the said Corporation, as may be conferred upon them by the regulations and by-laws of the said Corporation.

Annual reports to the Legislature.

5. The said Corporation shall be bound to make annual reports to both branches of the Legislature, containing a general statement of the affairs of the Corporation, which said reports shall be presented within the first twenty days of every Session of the Legislature.

Public Act.

6. This Act shall be deemed a Public Act.

CAP. LXXV.

An Act to permit Cyrus S. Clark to retain the Dam and Booms built by him on the Saint Francis River.

[*Assented to 24th July*, 1858.]

Preamble.

WHEREAS it hath been represented by the petition of Cyrus S. Clark, of the Township of Brompton, in the County

County of Richmond, in the District of Saint Francis, Lumber Merchant, that large sums of money have been expended by him in erecting upon the bank of the River Saint Francis, upon the east half of lot number thirty, in the fourth range of the said Township of Brompton, a saw-mill and a dam across the said river, and in the erection of booms in the river for a distance of about three miles above the dam, and that for the construction of the said works he hath acquired the right, so far as private interests are affected, and that the maintenance of the said works contribute greatly to the advantage of the public, and it is expedient to secure him in the peaceable enjoyment thereof: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

C. S. Clark may maintain the said dam and booms.

1. The said Cyrus S. Clark, his heirs and assigns, is, and are hereby permitted and authorized to retain and keep the dam erected by him across the said River Saint Francis, on the said lot number thirty, in the said Township of Brompton, at the height at which it hath been erected, and to keep and retain the booms for holding logs upon the said river within the distance of three miles above the said dam, and to construct other booms within the distance of three miles above the said dam in the said river if he shall find it necessary for the purpose of holding logs, and to repair or reconstruct the said dam and booms at the same height, and of the same kind, whenever the same from decay or from other causes shall require to be repaired or reconstructed; Provided always that this Act shall not secure to the said Cyrus S. Clark, his heirs or assigns, any right to overflow, by means of the said dam or booms, the lands of any other person, or in any way injure the same, without the consent in writing of the proprietors or occupiers thereof, and shall not in any way affect or prejudice the rights of such proprietors or of any other party for damage occasioned by such dam and booms.

Proviso: he shall be responsible for all damages thereby occasioned.

Owners of the dam and booms to have certain rights of action.

2. The owner or owners of the said dam and booms for the time being shall be held to possess, and be beneficially interested in the said dam and booms so erected, so that he or they may be able to maintain any action against any person or persons who may break down, destroy or injure the said dam or booms, or who shall in any wise prevent the use or enjoyment thereof by the owner or owners thereof.

Fish-way to be constructed under the Fishery Act.

3. The owner or owners of said dam shall construct and keep from the Fifteenth of May to the Twentieth of October in each year, attached to the said dam, a fish-way of such form and dimensions as shall be determined by the Governor in Council, in conformity with the twenty-sixth section of *The Fishery Act*, and shall conform to all provisions of law now in force, or which may be enacted, respecting the passage of fish ascending the said river.

4.

Slides to be made for the passing of logs, &c.

4. The owner or owners of the said dam for the time being shall be obliged to keep at all times a sufficient slide or slides or other appliances for the floating of timber down the said river past the said dam.

Act may be repealed, &c.

5. If it shall be hereafter found necessary in the interest of the public to amend or repeal this Act, such amendment or repeal shall not be considered an infringement of the privileges hereby granted.

Public Act.

6. This Act shall be deemed a Public Act.

CAP. LXXVI.

An Act to amend the Law relative to Duties of Customs and of Excise, and to impose new Duties; and a duty on Tavern-keepers.

[*Assented to 7th August*, 1858.]

Preamble.

WHEREAS it is expedient to revise and consolidate the Customs Tariff of this Province, by repealing the present duties and imposing others instead thereof, and otherwise to amend the Laws relating to the Customs: Therefore, *Her* Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Repeal of Acts and parts of Acts.

1. The following Acts and parts of Acts are hereby repealed, that is to say: the second Section of the Act passed in the twelfth year of Her Majesty's Reign, chaptered one, and intituled,

12 V. c. 1, s. 2. *An Act to amend the Law relating to Duties of Customs*, and the Schedule A to the said Act containing the Table of Duties of Customs inwards, the Table of Exemptions and the Table of Prohibitions,—the whole of the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's

13, 14 V. c. 5. Reign, chaptered five, and intituled, *An Act to amend the Act imposing Duties of Customs*,—the first Section of the Act passed in the sixteenth year of Her Majesty's Reign, chaptered

16 V. c. 85, s. 1. eighty-five, and intituled, *An Act further to amend the Laws relating to Duties of Customs*,—the whole of the Act passed in the eighteenth year of Her Majesty's Reign, chaptered five,

18 V. c. 5. and intituled, *An Act to amend the Acts imposing Duties of Customs*, except the eighth Section thereof,—the whole of the Act passed in the Session held in the nineteenth and twentieth years of Her Majesty's Reign, chaptered ten, and intituled,

19, 20 V. c. 10. *An Act to amend the Acts imposing Duties of Customs*,—and so much of any other part of any of the said Acts or of any other Act or Law as is inconsistent with this Act.

2.

Former duties repealed, and those in the Schedule to this Act substituted.

2. *In* lieu and instead of the Duties of Customs imposed by the Acts above mentioned, and of all other Duties of Customs upon goods, wares and merchandize imported into this Province, there shall be raised, levied, collected and paid unto Her Majesty, Her Heirs and Successors, upon goods, wares and merchandize imported into this Province, or taken out of warehouse for consumption therein, the several Duties of Customs respectively inserted, described and set forth in the Table in the Schedule to this Act annexed, intituled, "Table of Duties of Customs Inwards;" And the articles enumerated or mentioned in the Table in the said Schedule, intituled, "Table of Free Goods," may be imported or taken out of warehouse without payment of any Duty of Customs under this Act;—And the articles enumerated or mentioned in the Table in the said Schedule, intituled, "Table of Prohibitions," shall not be imported into this Province under the penalty therein mentioned, and if imported shall be forfeited and forthwith destroyed:

Free Goods.

Prohibited Goods.

Proviso: as to British copyright works.

Provided always, that nothing herein contained shall repeal or affect the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to impose a duty on Foreign Reprints of British Copyright Works*, or any duty imposed or to be imposed under it.

13, 14 V. c. 6.

Regulations may be made touching free goods.

3. The importation of goods exempt from duty under this Act, and all matters relating thereto, shall be subject to such regulations as the Governor in Council shall make for the purpose of preventing fraud or abuse under pretext of such exemption, nor shall such exemption prevent the forfeiture of such goods for any breach of the Customs Laws or of any regulations lawfully made under them.

Reciprocity Acts not to be affected:—

Except that if any article free under them becomes liable to duty, such duty shall be that imposed by this Act, or any other Act then in force.

4. Nothing in this Act shall prevent the effect of the two Acts hereinafter cited, so as to charge any article with duty while it is exempt from duty under either of them;—but the fifth Section of the said Act, passed in the eighteenth year of Her Majesty's Reign, and intituled, *An Act to amend the Acts imposing Duties of Customs*, is repealed as aforesaid, and if under the provisions of the Act passed in the eighteenth year of Her Majesty's Reign, and intituled, *An Act for giving effect on the part of this Province to a certain Treaty between Her Majesty and the United States of America*, the Governor of this Province shall at any time declare the suspension of the Treaty in the said Act mentioned, then, while such suspension shall continue, the several articles mentioned in the Schedule to the said Act, being the growth and produce of the said United States, shall be respectively subject to the duties imposed on like articles by this Act or by any other Act then in force, but if no duty be so imposed, then they shall be admitted free: And if under the provisions of the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled,

18 V. c. 1.

13, 14 V. c 3. intituled, *An Act to facilitate Reciprocal Free Trade between this Province and the other British North American Provinces*, the Governor in Council shall at any time declare that any article whatever when of the growth, produce or manufacture of the British North American Provinces or Possessions in the said Act mentioned, or of any one or more of them, is not, or is not under certain circumstances, admissible into this Province free of duty, then the duty on such article, when it is no tadmissible free, shall be that imposed on the like article by this Act or by any other Act then in force, but if no duty be so imposed, then it shall be admitted free.

Recital.

12 V. c. 1, ss. 8, 11, 12, &c.

5. Whereas by the eighth, eleventh, twelfth and other sections of the said Act, passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to amend the Law relative to Duties of Customs*, certain oaths or affirmations in the Schedule B to the said Act are in certain cases required to be taken, and two of the said oaths or affirmations (being the first and fourth in the said Schedule) may, under the terms thereof, be taken by an agent, not being the owner, importer or consignee of the goods to be entered, and a practice has arisen of employing as Agents, Clerks and other parties, to make entries and to take the said oaths or affirmations, who have not the personal knowledge requisite to enable them to take the same so as to meet the intent and purpose of the said Act, and the Revenue and the fair trader have been thereby injured; It is therefore enacted as follows:

If the oath under the said sections be taken by an agent, a declaration of the owner, &c, to be also attached to the Bill of Entry.

1. Hereafter, no person other than the owner, consignee or importer of the goods of which entry is to be made, shall be allowed to take any oath or affirmation, unless there be attached to the Bill of Entry therein referred to, a declaration by the owner, consignee or importer of the said goods, (or his legal representative under section ten of the said Act,) to the same effect as the oath or affirmation, (adapting the form and words to the case,) distinctly referring to the Invoice presented with such Bill of Entry, and signed by such owner, importer or consignee, (or his legal representative,) either in presence of the agent making the entry, who shall attest the signature, or of some Justice of the Peace or Notary Public, who shall attest the same; and such declaration shall be kept by the Collector, who may detach the same from the Invoice, if the latter be annexed thereto and be not left with him; and for any wilfully false statement in such declaration, the person making the same shall incur the same penalty as if it were made in the oath or affirmation. Provided always that such written declaration may be dispensed with under the order of the Governor in Council, where it may be deemed advisable in the interests of Commerce, to dispense therewith.

Proviso.

Governor in Council may

2. It shall be lawful for the Governor in Council by Regulation to authorize the alteration of any of the forms of oaths or affirmations

affirmations in the said Schedule, by abbreviating the same or omitting any of the allegations therein contained which may appear to him unnecessary; and any amended form prescribed by any such Regulation, shall be of the same effect as the form in the said Schedule for which it is substituted, and shall thereafter be held to be the form referred to in the said Act and in this Act, and any such Regulation may from time to time be repealed or amended as other Regulations in matters relating to the Customs. substitute new forms of oaths.

6. *In* order to avoid injurious delay to steamers and other vessels under certain circumstances, it shall be lawful for the Governor in Council to make such regulations as may be considered advisable, for the appointment of Sufferance Wharves and Warehouses, at which goods arriving by steam or other vessels in transit to other ports or confined to certain days of departure, may be landed and afterwards stored before entry, such vessels being duly reported to the Custom House, and having obtained the Collector's Warrant for the purpose: provided such landing be effected between sun-rise and sun-set, on a day not being Sunday or a Statutory Holiday, and provided the goods on being so landed, are immediately stored in some such approved Sufferance Warehouse; and such goods shall be thereafter dealt with by the Customs as prescribed by law; Provided that nothing in this Section shall affect any contract express or implied between the master or owner of any such vessel and the owner, shipper or consignee of any such goods as aforesaid, or the rights or liability of any party under such contract. Provision for landing goods before entry from steamers and other vessels, limited as to time. Proviso. Proviso.

7. So much of the proviso of the twenty-fourth section of the Act passed in session held in the tenth and eleventh years of Her Majesty's Reign chapter thirty-one, and intituled, *An Act for repealing and consolidating the present Duties of Customs in this Province, and for other purposes therein mentioned*, as gives to the Collector or proper officer of Customs a discretionary power to extend the time for goods remaining in warehouse more than two years, is hereby repealed. Part of Proviso to s. 24, of 10, 11 V. c. 31, repealed. Goods not to remain more than two years in warehouse.

8. Upon the exportation from this Province of any articles manufactured therein out of materials imported into it, and upon which any Duty of Customs has been paid,—or of any spirits, or of any beer or other malt liquor, distilled, made or brewed in this Province, and on which a Duty of Excise has been paid,—it shall be lawful for the Collector of Customs at the Port whence the same are exported to pay out of any public moneys in his hands, to the person entering the same for exportation, such drawback thereon, not exceeding the amount of the Provincial Duty of Customs or of Excise which has been paid on the materials out of which such article has been manufactured, or on such spirits, beer or other malt liquor, as shall be directed by an Order in Council then in force, subject to the observance Drawback on exportation of dutiable articles in certain cases.

observance of such conditions, and the giving of such bond or other security by such exporter, as shall be prescribed by regulations to be made by the Governor in Council from time to time.

Foregoing provisions to be construed as one law with 10, 11 V. c. 31.

9. The foregoing provisions of this Act shall be construed as forming one Law with the Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, chaptered thirty-one, and intituled, *An Act for repealing and consolidating the present Duties of Customs in this Province, and for other purposes therein mentioned*, and with the Acts hereinbefore cited, amending the same, in so far as they are in force and consistent with this Act; And all words and expressions used in the said provisions shall have the meaning assigned to them in the said Acts, and all the provisions of the said Acts with regard to the duties imposed by them, or the regulations to be made under them, shall apply to the duties imposed by this Act, and the regulations to be made under it, except in so far as they may be inconsistent with this Act.

Excise duty on spirits manufactured in this province.

12 V. c. 14.

19, 20 V. c. 42.

10. And whereas it is expedient to increase the Excise Duty on Spirits manufactured in this Province; Therefore, in addition to the duties imposed by the second Section of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to continue and amend the Act imposing Duties on Spirits distilled in this Province, and to provide for the warehousing of such Spirits*, and the Act passed in the Session held in the nineteenth and twentieth years of Her Majesty's Reign, and intituled, *An Act to impose an additional Excise Duty on Spirits*, on Spirits lawfully manufactured in this Province, there shall be payable on all such Spirits manufactured after this Act shall come into force, or which having been so manufactured before that time, and warehoused under the Act first cited, shall thereafter be taken out of warehouse for consumption, such further duty as with the duty imposed by the said Acts, will be equal to six cents per gallon, Wine measure, of the strength of proof by Sykes' Hydrometer, and so in proportion for any greater or less strength, which shall be the total duty payable on such Spirits: and this Section shall be construed as if it formed part of the said Acts and of the Act passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to repeal certain Acts therein mentioned, and to impose a Duty on Distillers and the Spirituous Liquors made by them, and to provide for the collection of such Duties;* and all the provisions of the said Acts not inconsistent with this Act, shall apply to the duty hereby imposed, and all words and expressions used in this Section, shall have the same meaning as in the said Acts; and the word "manufactured," in this Section, shall be equivalent to the words "distilled, manufactured or made," in the said Acts.

This section to be construed as one law with 9 V. c. 2.

11. And for the avoidance of doubt, it is hereby declared and enacted, That any establishment or place used for the rectifying of spirits or spirituous liquors by any process, is a distillery within the meaning of the Act last above cited, and must be licensed under the said Act, under the penalties therein provided. Rectifying establishments to be distilleries.

12. Any oath directed by the Act last aforesaid to be taken before a Justice of the Peace, may hereafter be taken before a Revenue Inspector, with the same legal effect and under the same penalties for any wilfully false statement therein. Certain Oaths may be taken before Revenue Inspector.

13. And whereas it is expedient to impose a duty on Brewers, and on beer and other malt liquors manufactured by them; It is therefore enacted as follows:

1. No person, other than a person licensed as hereinafter mentioned, shall, after this Act comes into force, brew or make any beer, ale, porter, lager beer, or other malt liquor of any kind, or act as a brewer in this Province, under a penalty of Ten Pounds currency for each day on which such offence shall be committed, and on pain also of forfeiting every mash-tub, fermenting vessel, machine or utensil of any kind used by him as a brewer or for making any such malt liquor as aforesaid, or adapted for making the same and being in his possession or on his premises; Brewers to take out licenses. Penalty for acting without license.

2. The Revenue Inspector for any Revenue Division shall issue a License to act as a Brewer in some certain premises in some certain place within such Division, to be described in the License, to any person or partnership of persons who, being a subject or subjects of Her Majesty, having his or their place of business in such Revenue Division, and having previously complied with the requirements of this section in that behalf, shall apply for such License by a written requisition to the Inspector signed by such person, or, in the case of a partnership, by one of the parties; and such License shall remain in force until the fifth day of January inclusive next after the date thereof, and the party in whose favor it shall be granted shall pay to the Inspector issuing it, the sum of ten dollars, as a duty to Her Majesty on such License; How and by whom such licenses shall be issued. Duty on licenses, and their duration.

3. There shall be paid to Her Majesty, Her Heirs and Successors, a duty of one cent for each gallon, Wine measure, of beer, ale, porter, lager beer, or other malt liquor, brewed or made in this Province after the passing of this Act, and such duty shall be payable by the brewer or maker thereof; Duty on malt liquor made in the province.

4. The duties, penalties and forfeitures mentioned in or imposed by this Section shall be collected, recovered and applied in like manner as those mentioned in or imposed by the Act passed in the ninth year of Her Majesty, and intituled, *An Act* Act 9 V. c. 2, to apply to Brewers and Breweries.

to repeal certain Acts therein mentioned, and to impose a Duty on Distillers and on the Spirituous Liquors made by them, and to provide for the collection of such Duties, all the enactments, requirements and provisions whereof, in so far as they are not inconsistent with this Act, are hereby extended, and shall apply to Brewers and persons acting as Brewers, and to the Beer, Ale, Porter, Lager Beer or other Malt Liquor made by them, and to the duty thereon, and to the premises, machinery and utensils used by them, in like manner as to Distillers and persons acting as Distillers and to Spirits distilled or manufactured by them, and to the duty thereon, and to the premises, the utensils and machinery used by them; and the Revenue Inspectors shall respectively have the same powers and duties with regard to Brewers as they have with regard to Distillers under the said Act, which shall be construed and have effect as if the provisions of this Section formed part thereof, varying the words of the form of oath given in the tenth Section of the said Act, so as to agree with the case;

Revenue Inspectors to have the same powers as with regard to Distillers.

Malt liquor made in the province may be warehoused.

5. Beer, ale, porter, lager beer or other malt liquor subject to duty under this section may be warehoused under regulations to be made by the Governor in Council in that behalf, in like manner and under like conditions as spirits distilled in the province may be warehoused under the Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to continue and amend the Act imposing duties on Spirits distilled in this Province, and to provide for the warehousing of such spirits;*

12 V. c. 14.

District Inspectors to be called Revenue Inspectors hereafter.

6. The officer referred to in the said Act passed in the ninth year of Her Majesty's Reign as "District Inspector," shall hereafter be known and designated as the "Revenue Inspector" of the District, County or other place in which he shall be appointed or directed to act, but his powers and duties shall not be in any way affected by this provision, nor shall it affect any suit, proceeding, document, or matter whatever in which he may have been designated as District Inspector; and every District, County or place for which a Revenue Inspector shall be appointed or directed to act shall be known as a Revenue Division.

14. And whereas it is expedient to impose a Provincial Duty on Tavern-keepers and others selling spirituous liquors by retail, it is therefore enacted as follows:

Provincial Duty on licenses for Taverns, &c.

1. There shall be paid to Her Majesty, Her Heirs and Successors, on each License issued after the passing of this Act to sell spirituous liquors to be drunk upon the premises, in any hotel, tavern, house, vessel or place, a duty of twelve dollars if such place be within the Municipal limits of any City,—a duty of ten dollars, if the same be within the Municipal limits of any incorporated Town,—and a duty of five dollars, if the same be not

not within the limits of any such City or Town, or the License be for a vessel; and such duty shall be paid to the Revenue Inspector or Municipal Officer issuing or delivering the License, before it shall be issued or delivered, and shall be over and above all other duties or sums payable thereon; and no such License shall be of any effect unless such duty be paid, but the party holding it shall be held to be unlicensed, and be liable to all the penalties imposed by any Act or by any By-law on persons selling spirituous liquors without License; How payable. License of no effect until the duty is paid.

2. The sums received for such duty by any Municipal Officer shall be by him accounted for and paid over, on demand, to the Receiver General, deducting four per cent. for his trouble in collecting the same, and if not so paid over, shall be a debt due to the Crown by such Municipal Officer, and may be recovered from him with costs, in any way in which debts due to the Crown may be recovered; and such Municipal Officer shall, as regards such duty, be held to be an Officer employed in the Collection of the Revenue and liable accordingly, and evidence of his having issued or delivered any such license shall be held to be evidence of his having received the duty hereby imposed thereon; How to be collected and recovered. Liability of Municipal Officer receiving it.

3. The Chamberlain, Treasurer, Clerk or other Officer of any Municipality, having the requisite official documents or information in his custody, shall at all times, on demand, furnish to the Revenue Inspector for the District, County or Revenue Division in which such Municipality lies, lists of all such Licenses as aforesaid issued after the passing of this Act in or by authority of such Municipality, and of the persons to whom, and the houses, vessels or places for which they were respectively granted, under a penalty of Fifty Pounds for any refusal to furnish such lists; Lists of licenses to be furnished to the Revenue Inspector.

4. The sums received for duties under this section shall form part of the Consolidated Revenue Fund of this Province, and shall be duties within the meaning of the Act, passed in the eighth year of Her Majesty's Reign, and intituled, *An Act to provide for the management of the Customs and of matters relative to the Collection of the Provincial Revenue.* Sums received to be duties within 8 V. c. 4.

15. This Act shall come into force immediately on its passing. Commencement of Act.

SCHEDULE.

TABLE OF DUTIES OF CUSTOMS INWARDS.

GOODS PAYING SPECIFIC DUTIES.

Articles.	*Duty.* $ cts.
Ale, Beer and Porter, in casks, per gallon	0 08
Ale, Beer and Porter, in quart bottles, per dozen bottles.	0 25
Ale, Beer and Porter, in pint bottles, per dozen bottles.	0 12½
And a Duty of 15 per cent. *ad valorem* on the Bottles containing the same.	
Almonds, Walnuts and Filberts, per lb	0 03
Corn Brooms, per dozen	0 50
Do. Whisks, per dozen	0 15
Cigars, per lb	0 30
Chicory, raw and kiln-dried, per lb	0 01
Do., roasted and ground, per lb	0 04
Coffee, green, per lb	0 01
" roasted, per lb	0 04
" ground, per lb	0 04
Cordials, per gallon	1 00
Currants, per lb	0 03
Dried Fruits, per lb	0 03
Figs, per lb	0 03
Ginger, Pimento and Pepper, unground, per lb	0 04
Ginger, Pimento and Pepper, ground, per lb	0 06
Macaroni and Vermicelli, per lb	0 03
Mustard, per lb	0 05
Molasses, per gallon	0 04
Mace, per lb	0 25
Nutmegs, per lb	0 25
Nuts not specially named, except Cocoa Nuts, per lb	0 01
Spirits and Strong Waters, of all sorts, for every gallon of any strength not exceeding the strength of proof by Sykes' Hydrometer, and so in proportion for any greater strength or less quantity than a gallon, viz :	
Brandy, per gallon	1 00
Gin, per gallon	0 80
Rum, per gallon	0 50
Whiskey, per gallon	0 18
Spirits and Strong Waters, including Spirits of Wine and Alcohol and not being Brandy, Gin, or Whiskey, per gallon	0 70
Spices, unground not otherwise named, per lb	0 07
" ground, " per lb	0 10
Starch, and all preparations of starch, per lb	0 05
Soap, not otherwise specified, per 100 lbs	1 25

Sugar,

Sugar, refined, whether in loaves or lumps, candied, crushed, powdered or granulated, or in any other form; White Bastard Sugar or other sugar equal to refined in quality, per 100 lbs.	2	50
" White clayed sugar or yellow bastard sugar, or any kind equal in quality to white clayed sugar or yellow bastard sugar, but not equal to refined sugar, per 100 lbs.....	1	75
" Brown clayed sugar, Muscovado or raw sugar of any kind not equal in quality to the sugars last named, per 100 lbs.....	1	30
" raw for refining purposes only, and not within 25 per cent. of the value of the last named sugar, per 100 lbs.....	0	90
Tea, not exceeding in value 18 cents per lb.,—per lb...	0	03
" exceeding in value 18 cents per lb.,—per lb.....	0	04
Tobacco, manufactured, not exceeding in value 20 cents per lb.,—per lb.....	0	05
" exceeding 20 and not exceeding in value 40 cents per lb.,—per lb.....	0	07½
" Over 40 cents in value per lb.,—per lb.....	0	10
Snuff, per lb.....	0	10
Vinegar, per gallon.....	0	06
Wine, in wood, not exceeding in value $40 per pipe of 126 gallons, per gallon.....	0	20
" *in* wood, over $40 but not exceeding in value $60 per pipe of 126 gallons, per gallon.....	0	30
" in wood, over $60 and not exceeding $100 in value per pipe of 126 gallons, per gallon.....	0	40
" in wood, over $100 in value per pipe of 126 gallons, per gallon.....	0	50
" in quart bottles, not exceeding $4 in value per dozen bottles,—per dozen bottles.....	1	50
" in pint bottles, in proportion, per dozen bottles..	0	75
" in quart bottles, exceeding $4 and not exceeding $8 in value per dozen bottles,—per dozen bottles.	2	00
" *in* pint bottles, in proportion, per dozen bottles..	1	00
" *in* quart do., exceeding $8, and not exceeding $12 in value per dozen bottles,—per dozen bottles..	2	50
" in pint do., in proportion, per dozen bottles.....	1	25
" in quart do., exceeding $12 in value per dozen bottles,—per dozen bottles.....	3	00
" in pint do., in proportion, per dozen bottles.....	1	50
And a Duty of 15 per cent. *ad valorem* on the bottles containing such wine.		
Printed, Lithographed or Copper-plate Bills, Bill heads, Cheques, Receipts, Drafts, Posters, Cards, Labels of every description, Advertising Pictures, or Pictorial Show Bills or Cards: For every hundred Cards or Sheets of.....	1	00
Advertising Pamphlets, per hundred	1	00

GOODS

GOODS PAYING FIVE PER CENT.

The following Goods shall be chargeable with a Duty of five per cent. on the value thereof:

Bolting Cloths;
Brass in bars, rods and sheets;
Brass or Copper Wire and Wire Cloth;
Chain Iron, other than Cables, and not being Horse Chain, Dog Chain, Jack Chain, or other small Chain not exceeding three quarters of an inch;
Canada Plates, Tinn'd Plates, Galvanized Iron and Sheet Iron;
Copper, in bars, rods, bolts or sheets;
Cotton Candle Wick, Yarn and Warp;
Emery;
Emery, Glass and Sand Paper;
Fishing Nets and Seines;
Fish Hooks, Lines and Fish Twines;
Gold Beaters' Brim Moulds and Skins;
Silk-twist for Hats, Boots and Shoes;
Hat plush;
Hair, Angola, Goat, Thibet, Horse or Mohair, unmanufactured;
Iron, Bar, Rod or Hoop;
" Nail and Spike Rod;
" Hoop or Tire, for driving wheels of locomotives, bent or welded;
" Boiler Plate,
" Railroad Bars;
" Rolled Plates;
" Plate and Angle, or other Iron, shaped or unshaped, when forming part of an Iron Ship imported in pieces.
" Rivets, for do;
" Wire;
Lead, in sheet;
Sails, ready made;
Steel, wrought or cast;
Tin, granulated or bar;
Tubes and Piping, of copper, brass or iron, when drawn;
Varnish, bright and black, for ship-builders, other than Copal Carriage, Shellac, Mastic or Japan;
Zinc or Spelter, in sheet;
Locomotive and Engine Frames, Cranks, Crank Axles, Railway-car and Locomotive Axles, Piston Rods, Guide and Slide Bars, Crank Pins, Connecting Rods, Steamboat and Mill Shafts and Cranks forged in the rough.

GOODS PAYING TWENTY PER CENT.

The following Goods shall be chargeable with a Duty of twenty per cent. on the value thereof:

Anchovies, Sardines, and all other Fish preserved in oil;
Argentine, Alabetta, or Albata and German Silver manufactures;

Articles

Articles embroidered with gold, silver, or other metals ;
Baskets, and all other Articles made of grass, osier, palm leaf, straw, whalebone or willow, not elsewhere specified ;
Beads of every description ;
Billiard Tables and Furnishings ;
Bagatelle Boards and do ;
Blacking ;
Bracelets, Braids, Chains, Curls, Ringlets or Head-dresses, of any kind composed of hair, or of which hair is a component part ;
Brooms and Brushes, not elsewhere specified ;
Cameos and Mosaïcs, real or imitation, when set in gold, silver or other metal ;
Capers, Pickles, Olives and Sauces of all kinds not elsewhere specified ;
Candles and Tapers of Wax, Sperm, Belmont, Stearine, Adamantine and composition ;
Chandeliers, Girondoles, Gas Fittings ;
Carriages or parts of Carriages not otherwise specified ;
Cabinet Ware or Furniture ;
Cashmere ;—See *Manufactures.*
Cocks, Taps, and Coupling Joints ;
Carpets and Hearth Rugs, Velvet, Brussels, Tapestry, Turkish, Persian, and other kinds ;
Confectionary not elsewhere specified ;
China Ware of all kinds ;
Cutlery polished of all sorts ;
Coach and Harness furniture of all kinds ;
Composition Tops for tables or for other articles of furniture ;
Essences, Balsams, Cosmetics, Extracts, Pastes, Perfumes, Tinctures, and Perfumery of all kinds ;
Feathers and Flowers, artificial or ornamental or parts thereof, of whatever material composed ;
Fans and fire Screens ;
Fire Works ;
Glass, plate ;
Glass, silvered ;
Glass-shades and Crystals for watches ;
Glass Ware, cut, ground or coloured ;
Glass, stained, painted or coloured ;
Glass bottles and vials, not being wine and beer bottles,
Gold and Silver Leaf ;
Gilt Frames ;
Guns, Rifles and Fire Arms of all kinds ;
Hats, Caps and Bonnets,
Inks of all kinds except printing ink ;
Jewellery, real or imitation ;
Japanned, planished tin, and Britannia metal ware of all kinds ;
Leather, Sole, Harness, dressed Kip, Calf, and upper Leather, and all imitations of Leather ;
Marble or imitation of marble Mantle-pieces, or parts thereof ;
Mattresses of hair, moss or other material ;

Millinery

Millinery of all kinds ;
Musical Instruments of all kinds, including Musical Boxes and Clocks ;
Mowing, Reaping and Thrashing Machines,
Manufactures of Fur or of which fur is the principal part ;
" of Cashmere,
" of Silk, Satin and Velvet, and of all other fabrics, of which Silk forms the principal part ;
" of Bone, Shell, Horn, Pearl, Ivory or vegetable Ivory ;
" of Gold, Silver or Electro Plate ;
" of Brass or Copper ;
" of Leather or of imitation of Leather, or of which Leather or imitation of Leather is the principal part, not otherwise specified ;
" of Marble, or Marble more advanced in manufacture than slabs or blocks in the rough.
of *Papier Maché ;*
of Caoutchouc or India Rubber or of Gutta Percha or of which any of these articles forms the principal part ;
" of Straw ;
Patent Medicines and Medicinal Preparations not elsewhere specified ;
Oil Cloths of whatever material composed ;
Sallad Oils, Table Oils, and Linseed Oils ;
Opium ;
Ornaments of Bronze, Alabaster, Terracotta or Composition ;
Plated and Gilded Ware of all kinds ;
Playing Cards ;
Preserved Vegetables, Meats, Poultry, Fish and Game ;
Railing or Fencing of Iron :
Riddles and Sieves ;
Scales and Weights ;
Shawls, Thibet wool or filled ;
Silks, Satins or Velvets and all fabrics of which Silk forms the principal part ;
Spades, Shovels, Axes, Hoes, Rakes, Forks, and Edge-Tools, Scythes and Snaiths, Bolts, Nuts and Washers ;
Spikes, Nails, Tacks, Brads and Sprigs ;
Silk, Woollen, Worsted and Cotton embroideries and tambour-work ;
Silk-twist and Twist composed of Silk and Mohair ;
Silver and Gold Cloth, Thread, and other articles embroidered with Gold or for embroidering ;
Skins, Sheep, Calf, Goat, and Chamois, dressed ;
Soap, perfumed or fancy ;
Stoves and all other Iron Castings ;
Toys ;
Thread Lace and Insertions ;

Writing Desks, fancy and ornamental Cases and Boxes of whatsoever material;
Woollen Goods.

GOODS PAYING TWENTY-FIVE PER CENT.

The following Goods shall be chargeable with a Duty of twenty-five per cent. on the value thereof:

Manufactures of Leather, viz:
" Boots and Shoes;
" Harness and Saddlery.

Clothing or Wearing Apparel made by hand or sewing machine.

GOODS PAYING FIFTEEN PER CENT.

All articles not hereinbefore enumerated as charged with a specific or *ad valorem* duty, and not exempted from the payment of duty, shall be chargeable with a duty of fifteen per cent. on the value thereof.

TABLE OF FREE GOODS.

Acids, of every description,
Agricultural Societies—Seeds of all kinds, Farming Utensils and Implements of Husbandry, when specially imported by, for the encouragement of Agriculture,
Alum,
Anatomical preparations,
Anchors, over 6 cwt. in weight,
Animals, of all kinds,
Antiquities, collections of,
Apparel, wearing, and other personal effects, and implements of husbandry, (not merchandise) in actual use of persons coming to settle in the Province and accompanying the owner.
Apparel, wearing, of British subjects dying abroad,
Argol,
Arms for Army or Navy and Indian Nations, provided the duty otherwise payable thereon would be defrayed or borne by the Treasury of the United Kingdom, or of this Province.
Ashes, Pot, Pearl and Soda.
Bark, Tanners',
Bark, used solely in dyeing,
Barley, except Pot and Pearl,
Barley Meal,
Beans,
Bean Meal,
Bear and Bigg,
Bear and Bigg Meal,
Berries, used solely in dyeing,
Bleaching Powder,

Books,

Books, Printed,—Periodicals and Pamphlets—not being British Copyrights, nor Blank, Account, or Copy Books, or Books to be written or drawn upon,
Borax,
Bottles containing Wine, Spirituous or Fermented Liquors of Officers' Mess,
Brandy imported for do,
Bran and Shorts,
Brimstone,
Bristles,
Broom Corn,
Buckwheat,
Buckwheat Meal,
Bulbs and Roots,
Bullion,
Burr Stones, wrought or unwrought, but not bound up into mill-stones,
Butter,
Coin and Bullion,
Cabinets of coins,
Cables, Iron Chain,
" Tarr'd Hemp,
" Untarr'd "
" Grass,
Carriages of Travellers, and carriages employed in carrying merchandise (Hawkers and Circus Troupes excepted),
Casks, ships' water, in use,
Caoutchouc or India Rubber, and Gutta Percha, unmanufactured,
Cement, marine or hydraulic,
Charitable Societies—donations of clothing for gratuitous distribution by,
Cheese,
Clothing for Army or Navy or Indian nations, or for gratuitous distribution by any Charitable Society.
Coal,
Cochineal,
Coke,
Commissariat Stores,
Copperas,
Corkwood, or the Bark of the Corkwood tree,
Corn, Indian,
Cotton and Flax waste,
Cotton Wool,
Cream of Tartar in crystals,
Diamonds and Precious Stones,
Drugs used solely in dyeing,
Dye Stuffs, viz: Bark, Berries, Drugs, Nuts, Vegetables, Woods, and Extract of Logwood,
Earths, Clays and Ochres, dry,
Eggs,
Felt Hat bodies and Hat Felts,

Fire

Fire Brick,
Firewood,
Fish,
do. Oil, in its crude or natural state,
do. products of, unmanufactured,
Flax, Hemp and Tow, undressed,
Flour,
Fruits, green,
Fruits, dried, from the United States only, while the Reciprocity Treaty is in force,
Furs, Skins, Pelts or Tails undressed, when imported directly from the United Kingdom or British North American Provinces, or from the United States, while the Reciprocity Treaty is in force,
Gems, and Medals,
Gravel,
Grains—Barley and Rye,
Beans and Peas,
Bear and Bigg,
Bran and Shorts,
Buckwheat,
Indian Corn,
Oats,
Wheat,
Meal of above Grains,
Grindstones wrought or unwrought,
Gums and Resins, in a crude state,
Gypsum or Plaster of Paris, ground or unground,
Grease and Scraps,
Hams,
Hemp,
Hides,
Horns,
Household Effects, personal, not merchandise, of subjects of Her Majesty domiciled in Canada but dying abroad,
Indigo,
Inventions and Improvements in the Arts, models of—provided *that* no article shall be deemed a model which can be fitted up for use,
Junk and Oakum,
Lard,
Lime, the produce of British North American Provinces only,
Machinery, models of—provided the same cannot be put to actual use,
Manilla Grass,
Manures of all kinds,
Maps and Charts in sheets, not mounted nor on cloth,
Marble in blocks or slabs unpolished,
Meats, fresh, smoked and salt,
Menageries, horses, cattle, carriages and harnesses of, subject to Regulations by the Governor in Council,
Military Clothing for Her Majesty's Troops or Militia,

Military

Military Stores and Materials for Military Clothing imported for the use of the Provincial Militia, under such restrictions and regulations as may be passed by Governor in Council,
Mosses and sea grass, for upholstery purposes,
Musical Instruments for Military Bands,
Nitre or Saltpetre,
Oakum,
Oil Cake or Linseed Cake,
Oils, cocoa nut, pine and palm—in their crude and natural state,
Old Nets,
Ordnance Stores,
Ores of all kinds of Metals,
Osier or Willow, for basket-makers' use,
Packages of all kinds in which Goods are usually imported, except the following, viz: Spirit, wine, oil, beer, cider, and other casks for the containing of liquids, baskets of every description, trunks, snuff jars, earthenware jars, glass jars, bags and barrels containing grain, seeds and peas,
Pig Iron, Pig Lead,
Pitch and Tar,
Philosophical Instruments and Apparatus, Books, Globes, Maps and Charts:—provided the same be specially imported by and for the use of Philosophical Societies, Universities, Colleges, Public Schools or Institutes,
Plants, Shrubs and Trees,
Provisions for Army or Navy, or Indian Nations,
Rags,
Resin and Rosin,
Rice,
Sail-cloth,
Sal Soda,
Sal Ammonia,
Salt,
Seeds of all kinds,
Ships Blocks,
Binnacle Lamps,
Bunting,
Canvas, Duck,
Compasses,
Cordage,
Dead Eyes,
Dead Lights,
Deck Plugs,
Shackles,
Sheaves,
Signal Lamps,
Travelling Trucks,
} Expressly imported for Ship-building purposes and by Ship Builders or Sail-makers.
Ship's water-casks in use,
Silk Hat Felts,
Soda Ash,
Specimens of Natural History, Mineralogy or Botany,

Stone

Stone unwrought,
Slate,
Statues, Busts and Casts, of Marble, Bronze, Alabaster or Plaster of Paris; Paintings and Drawings as works of Art; Specimens of Sculpture; Cabinets of Coins, Medals, Gems, and all Collections of Antiquities,
Sulphur or Brimstone,
Tin and Zinc or Spelter in block or pig,
Tallow,
Teasels,
Timber and Lumber of all kinds, round, hewed, sawed, unmanufactured in whole or in part,
Tobacco, unmanufactured,
Tools and Implements of Trade of persons arriving in Canada when accompanied into the Province by the actual settler, and brought in by such settler for his own use, and not for sale,
Treenails,
Turpentine, other than Spirits of Turpentine,
Type Metal, in blocks or pigs,
Vegetables—not elsewhere specified,
Vehicles of Travellers, except those of Hawkers and Pedlars,
Water Lime,
Wine, Spirits and fermented Liquors of all kinds, imported for any Officers' Mess, and the Packages containing the same,
Wood for Hoops when not notched,
Woods of all kinds,
Wool,
All Importations for the use of Her Majesty's Army and Navy serving in Canada.

TABLE OF PROHIBITIONS.

The following Articles are prohibited to be imported, under a penalty of Fifty Pounds, together with the forfeiture of the parcel or package of Goods in which the same may be found:

Books and Drawings of an immoral or indecent character;
Coin, base or counterfeit.

CAP. LXXVII.

An Act to repeal an Act passed in the eighteenth year of Her Majesty's Reign, chaptered one hundred and seventy-two, confirming a certain survey in the Township of Hamilton.

[*Assented to 7th August*, 1858.]

Preamble.

WHEREAS a certain Act of the Parliament of this Province, was passed in the eighteenth year of Her Majesty's Reign,

18 V. c. 172. Reign, chaptered one hundred and seventy-two, intituled, *An Act to confirm a survey of the line between the sixth and seventh concessions of the Township of Hamilton*, pending a law-suit having reference to the said line, without any notice having previously been given of an application therefor, and without the parties interested having had any opportunity of being heard against it, and it is expedient to repeal the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

The said Act 18 V. c. 172, repealed.

1. The said Act of the Parliament of this Province, passed in the eighteenth year of Her Majesty's Reign, chaptered one hundred and seventy-two, intituled, *An Act to confirm a survey of the line between the sixth and seventh concessions of the Township of Hamilton*, shall be, and the same is hereby repealed.

Public Act.

2. This Act shall be deemed a Public Act.

CAP. LXXVIII.

An Act to amend the Act of 1857 *to amend the Lower Canada Municipal and Road Act*, of 1855, *and to erect St. Lambert into a distinct Municipality.*

[*Assented to 7th August*, 1858.]

Preamble.

WHEREAS in the first section of the Act passed in the twentieth year of the Reign of Her Majesty, Queen Victoria, chaptered one hundred and thirty-two, and intituled,

20 V. c. 132,

An Act to amend the Lower Canada Municipal and Road Act of 1855, *and to erect St. Lambert into a distinct Municipality*, an error has occurred in the definition of the southern boundary of the said Municipality, which ought to have been the division line between the parishes of Longueuil and Laprairie, instead of the seignorial line between the Seigniory of Laprairie and the Barony of Longueuil; And whereas such error might have the effect of rendering void the proceedings of the said Municipality: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Section 1 of the said Act repealed, and the boundaries of St. Lambert defined.

1. The first section of the said Act is hereby repealed, and from and after the passing of this Act the said Municipality of St. Lambert shall be bounded as follows: on the west by the River St. Lawrence, on the south by the division line between the parishes of Longueuil and Laprairie, in rear by the road known as the "Chemin de la Pinière," from the said parish line to the road known as the "Chemin du Ruisseau St. Charles," and there bounded by the said "Chemin du Ruisseau St. Charles" up to its junction with the road called "Chemin de

de la Côte Noire," and on the north by "La Montée de la Côte Noire," and on the east by the said road called "Chemin de la Côte Noire," up to the above junction with the road called "Chemin du Ruisseau St. Charles," and including in its boundaries the continuation of the several farms through which runs the said "Chemin de la Côte Noire," which bounds this Municipality on the east,—and shall for the purposes of the Lower Canada Municipal and Road Act of 1855, and for School Municipal purposes, be detached from the parish of Longueuil and shall be united into and form a separate Municipality by the name of the Municipality of St. Lambert in the County of Chambly. St. Lambert so bounded to be a separate Municipality.

2. All the proceedings had on account of and by the said Municipality of St. Lambert, are hereby declared to be as valid in so far as they relate to the said Municipality of St. Lambert as contained within the above limits, as though the said limits had been correctly designated in the said Act first above cited. Former proceedings declared valid.

3. This Act shall be deemed to be a Public Act. Public Act.

CAP. LXXIX.

An Act to amend the Act incorporating the Eastern Townships Bank.

[*Assented to 7th August*, 1858.]

WHEREAS it is expedient to amend the Act passed in the eighteenth year of Her Majesty's Reign, intituled, *An Act to incorporate the Eastern Townships Bank*, by reducing the Capital Stock of the said Bank: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble. 18 V. c. 206.

1. The Capital Stock of the said Eastern Townships Bank shall be Four Hundred Thousand Dollars currency only, divided into eight thousand shares of Fifty Dollars each. Capital reduced.

2. The remainder of the said Capital Stock (after the sum of two hundred thousand dollars shall have been subscribed, and one hundred thousand dollars of the same paid up as required to authorize the said Bank to commence the business of Banking under the said Act) shall be subscribed for and paid up as follows, that is to say: the sum of forty thousand dollars of the said subscribed stock shall be paid up within eighteen months, the sum of sixty thousand dollars of the aforesaid stock shall be paid up within three years, the sum of eighty thousand dollars shall be subscribed and paid up within four years, and the further and remaining sum of one hundred and twenty thousand dollars shall be subscribed for and paid up within five Period for subscribing and paying up part of the Capital extended.

five years, reckoning in every case from the time when the said Bank shall have so commenced the business of Banking, under the penalty of the forfeiture of their Charter.

Inconsistent enactments repealed.

3. So much of the said Act and of every other Act as may be at variance with the provisions of this Act, is hereby repealed.

CAP. LXXX.

An Act to vest certain portions of Bathurst Street, in the City of London, in the London and Port Stanley Railway Company, and to facilitate the said Company in the disposal of certain of their Real Estate.

[*Assented to 7th August*, 1858.]

Preamble.

16 V. c. 229.

WHEREAS by an Act passed in the sixteenth year of Her Majesty's Reign, chapter two hundred and twenty-nine, portions of certain streets in the City of London, were vested in the Great Western Railway Company, in accordance with the Petition of the then Town Council of the said City, for the reduction of the width thereof; And whereas the London and Port Stanley Railway Company have petitioned for permission to enclose and hold so much of Bathurst street lying between Waterloo and Burwell streets, and adjoining their depôt grounds in the said City, as would render Bathurst street aforesaid of one uniform width, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

The Company may inclose a certain portion of Bathurst street.

1. It shall be lawful for the London and Port Stanley Railway Company to enclose and hold thirty-three feet, more or less, or so much of the North side of Bathurst street, in the City of London, as will render the width of that portion of the said street which now adjoins the depôt grounds of the said Railway Company, equal to and uniform with that of those parts of the said street lying West of Burwell street and East of Waterloo street, in the said City; and the said land so enclosed shall be vested in the London and Port Stanley Railway Company for ever: Provided always, that the portion of Bathurst street aforesaid, in front of Lots Eleven and Twelve, shall not be so enclosed, held and vested, until the said Company carry out their bargain subsisting with Elijah Leonard, for the purchase of parts of Lots Eleven and Twelve: Provided always, that in case the said thirty-three feet of land shall cease to be used for Railway purposes, the said land shall revert to the Corporation of the City of London, as a public highway.

Proviso.

Proviso.

Recital.

2. And whereas the London and Port Stanley Railway Company now hold and possess divers tracts and lots of land, situate in

in the said City of London and in the Town of St. Thomas, *in the* County of Elgin, purchased by the said Company originally for the construction, maintenance and use of their Railway, but which are no longer productive of any immediate benefit or profit And whereas the said lands have, with the other real property of the said Company, been mortgaged by the said Company for the benefit of their Railway, and the Company are therefore unable to depart therewith, but are compelled to retain the same to their great loss and detriment; And whereas, having obtained the consent of a large proportion of the bondholders of the said Company, for that purpose, they have prayed that they may be authorized to dispose of and sell the said lands in the City of London, and in the Town of St. Thomas, above referred to, with the view of devoting the proceeds either in liquidation of the liabilities of the said Company or in improving the permanent way of their said railway, and it is expedient, and for the interests of the said Company and of the bondholders thereof, that such power should be granted them: Therefore, the said Company shall have full power and authority, and they are hereby authorized to alienate, sell and dispose of all lots and parcels of land, the property of the said Company, and situate, lying and being in the City of London and Town of St. Thomas aforesaid, and not now occupied or used by the said Company for the purposes of their said Railway, or for any other purposes of the said Company; and the proceeds of such sale or sales shall be appropriated either towards the payment of the privileged debts of the said Company or to the improvement of the permanent way of their Railway, as the Directors of the said Company, for the time being, may deem most expedient; any law or usage to the contrary notwithstanding.

Company may alienate certain lands for which they have no further use.

Application of proceeds.

2. This Act shall be deemed a Public Act.

Public Act.

CAP. LXXXI.

An Act to continue for a limited time the several Acts and Ordinances therein mentioned, and for other purposes.

[*Assented to* 16*th August*, 1858.]

Preamble.

WHEREAS it is expedient further to continue the Acts and Ordinances hereinafter mentioned, which would otherwise expire at the end of the present Session: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Acts of Canada.

1. The Act of the Parliament of this Province, passed in the seventh year of Her Majesty's Reign, and intituled, *An Act to prevent obstructions in Rivers or Rivulets in Upper Canada,* 7. V. c. 36.

Canada, as amended and explained by the Act of the said Pa
liament, passed in the Session held in the tenth and eleven
As amended by 10, 11 V. c. 20, years of Her Majesty's Reign, and intituled, *An Act to amen
explain and continue an Act passed in the seventh year of t
Reign of Her Majesty, intituled, 'An Act to prevent obstructio
in Rivers or Rivulets in Upper Canada,'* and by the Act of th
said Parliament, passed in the Session held in the fourteen
and fifteenth years of Her Majesty's Reign, and intituled, *A
and by 14, 15 V. c. 123. Act to explain and amend the Acts for preventing obstructions
Rivers and Rivulets in Upper Canada*, and both the said la
mentioned Acts; the Act of the said Parliament passed in th
8 V. c. 6. eighth year of Her Majesty's Reign, and intituled, *An Act f
the better preservation of the Peace and the prevention of Rio
and violent outrages at and near Public Works, while in the pr
As amended and extended by— gress of construction*, as amended and extended by the A
passed in the Session held in the fourteenth and fifteenth yea
of Her Majesty's Reign, and intituled, *An Act to continue a
14, 15 V. c. 76. Act passed in the eighth year of the Reign of Her Majesty, intitule
'An Act for the better preservation of the Peace and the preventio
of Riots and violent outrages at and near Public Works, whi
in progress of construction,' and to extend the operation there
to certain works undertaken by Incorporated Companies*, an
the said last mentioned Act; the Act of the said Parliamen
passed in the eighth year of Her Majesty's Reign, and intitule
8 V. c. 27. *An Act to amend the Act and Ordinance therein mentioned, relati
to the Registration of Titles to, and Incumbrances upon, Real Pr
perty in Lower Canada;* the Act of the said Parliament, passe
8 V. c. 48. in the same year of Her Majesty's Reign, and intituled, *An A
for the relief of Insolvent Debtors in Upper Canada, and for othe
except s. 44. purposes therein mentioned*, except the forty-fourth Section of t
said Act; the Act of the said Parliament, passed in th
9 V. c. 38. ninth year of Her Majesty's Reign, and intituled, *An A
to empower Commissioners for enquiring into matters co
nected with the public business, to take evidence on oath
the Act of the said Parliament, passed in the Session hel
in the tenth and eleventh years of Her Majesty's Reig
10, 11 V. c. 1. and intituled, *An Act to enlarge the powers of the Trini
House of Montreal, in certain cases where the Public Health
the City may be endangered;* the Act of the said Parliamen
passed in the eleventh year of Her Majesty's Reign, and i
11 V. c. 7. tituled, *An Act to provide for the Inspection of Butter in Queb
and Montreal;* the Act of the said Parliament, passed in th
fourteenth and fifteenth years of Her Majesty's Reign, an
14, 15 V. c. 2. intituled, *An Act for the better Management of the Provinci
Penitentiary;* the Act passed in the same Session, and intitule
14, 15 V. c. 92. *An Act to provide a more summary and less expensive process fo
Proprietors of Real Property in Lower Canada to acquire po
session thereof, when illegally detained from them in certa
cases*, as amended by the Act passed in the sixteenth year
16 V. c. 205. Her Majesty's Reign, and intituled, *An Act to amend the A
fourteenth and fifteenth Victoria, chapter ninety-two, relating
the illegal detention of Real Property in Lower Canada*, and th
sai

said last mentioned Act; the Act of the Parliament of the late Province of Lower Canada, passed in the second year of the Reign of His late Majesty King George the Fourth, and intituled, *An Act for better regulating the Common of the Seigneurie of Laprairie de la Madeleine;* the Act of the said Parliament, passed in the same year of the same Reign, and intituled, *An Act to enable the inhabitants of the Seigneurie of La Baie Saint Antoine, commonly called La Baie du Febvre, to provide for the better regulation of the Common in the said Seigneurie,* as amended and extended by the Act of the said Parliament, passed in the fourth year of the same Reign, and intituled, *An Act to authorize the Chairman and Trustees of the Common of the Seigniory of the Baie Saint Antoine, commonly called the Baie du Febvre, to terminate certain disputes relating to the limits of the said Common, and for other purposes appertaining to the same;* the Act of the said Parliament, passed in the ninth year of the same Reign, and intituled, *An Act to provide for the more effectual extinction of secret incumbrances on lands than was heretofore in use in this Province;* the Act of the said Parliament, passed in the same year of the same Reign, and intituled, *An Act to prevent fraudulent Debtors evading their Creditors in certain parts of this Province;* the Act of the said Parliament, passed in the same year of the same Reign, and intituled, *An Act to facilitate the proceedings against the Estates and Effects of Debtors in certain cases;* the Act of the said Parliament, passed in the same year of the same Reign, and intituled, *An Act to alter and amend An Act passed in the sixth year of His Majesty's Reign, intituled, 'An Act to authorize the inhabitants of the Fief Grosbois, in the County of Saint Maurice, to make regulations for the Common of the said Fief;'* the Act of the said Parliament passed in the first year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to encourage the destruction of Wolves;* the Act of the said Parliament, passed in the third year of the same Reign, and intituled, *An Act further to suspend certain parts of an Act or Ordinance therein mentioned, and to consolidate and further to continue for a limited time the provisions of two other Acts therein mentioned, for more effectually ascertaining the damages on protested Bills of Exchange, and for determining disputes relating thereto, and for other purposes;* the Act of the said Parliament, passed in the sixth year of the same Reign, and intituled, *An Act to provide for the Medical Treatment of sick Mariners,* as amended by the Act of the Parliament of Canada, passed in the eighth year of Her Majesty's Reign, and intituled, *An Act for the relief of shipwrecked and destitute Mariners, in certain cases therein mentioned,* and by the Act passed in the sixteenth year of Her Majesty's Reign, and intituled, *An Act to exempt certain Vessels from the duty imposed by the Act to provide for the Medical Treatment of sick Mariners,* and both the said last mentioned Acts; the Act of the Parliament of the late Province of Upper Canada, passed in the eleventh

Acts of Lower Canada.

L. C. 2 G. 4, c. 8.

L. C. 2 G. 4, c. 10.

As amended by—

L. C., 4 G. 4, c. 26.

L. C., 9 G. 4, c. 20.

L. C., 9 G. 4, c. 27.

L. C., 9 G. 4, c. 28.

L. C., 9 G. 4, c. 32.

L. C., 1 W. 4, c. 6.

L. C., 3 W. 4, c. 14.

L. C., 6 W. 4, c. 35.

As amended by—

8 V. c. 12.

16 V. c. 166.

Acts of Upper Canada:

 year

year of the Reign of His late Majesty King George the Fourth, and intituled, *An Act to authorize the Quarter Sessions of the Home District to provide for the relief of Insane Destitute persons in that District;* the Act of the said Parliament, passed in the third year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to continue an Act passed in the eleventh year of His late Majesty's Reign, intituled, 'An Act to authorize the Quarter Sessions of the Home District to provide for the relief of Insane destitute persons in that District,' and to extend the provisions of the same to the other Districts of this Province;* and the Act of the said Parliament, passed in the sixth year of the same Reign, and intituled, *An Act to repeal an Act passed in the forty-ninth year of the Reign of His late Majesty King George the Third, intituled, 'An Act to encourage the destroying of Wolves in this Province,' and to make further provision for exterminating those destructive animals,*—shall be, and all and every of the said Acts and Ordinances are hereby continued to the first day of January, one thousand eight hundred and fifty-nine, and from thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer.

U. C., 11 G. 4. c. 20.

U. C., 3 W. 4, c. 45.

U. C., 6 W. 4, c. 29.

The said Acts continued to 1st January, 1859, and to the end of the then next Session.

Acts of Canada:

7 V. c. 10.

9 V. c. 30.

12 V. c. 18.

13, 14 V. c. 20.

Continued to 1st January, 1859, &c.

2. The Act of the Parliament of this Province, passed in the seventh year of Her Majesty's Reign, and intituled, *An Act to repeal an Ordinance of Lower Canada, intituled, 'An Ordinance concerning Bankrupts, and the administration and distribution of their estates and effects,' and to make provision for the same object throughout the Province of Canada,* and the Act amending the same, passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to continue and amend the Bankrupt Laws now in force in this Province,* in so far only as the same are continued by and for the purposes mentioned in the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to make provision for the continuance and completion of proceedings in Bankruptcy now pending,* and the said last mentioned Act; and the Act of the said Parliament, passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to afford relief to Bankrupts in certain cases,* shall respectively be and they are hereby continued, and shall remain in force until the said first day of January, one thousand eight hundred and fifty-nine, and thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer.

Acts of Lower Canada:

L. C., 6 W. 4, c. 19.

Continued to 1st January, 1859, &c.

3. The Act of the Parliament of the late Province of Lower Canada aforesaid, passed in the sixth year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to regulate the Fees of persons employed by Justices of the Peace in the Country Parishes, as Clerks or Bailiffs in certain cases,* shall be and is hereby continued to the said first day of January, one thousand eight hundred and fifty-nine, and thence until

until the end of the then next ensuing Session of the Provincial Parliament, and no longer: Provided always, that in the several Judicial Districts of Lower Canada, so much of the said Act as relates to the Fees to be granted to persons acting as Clerks to Country Magistrates, shall cease to have any force in the said Districts respectively, if or so soon as a Tariff of Fees shall have been promulgated in such District, under the provisions of an Act, passed in the Session of the Legislature held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to facilitate the performance of the duties of Justices of the Peace out of Sessions, with respect to summary convictions and orders.*

Proviso: To cease when Tariffs are made under—

L. C., 14, 15 V. c. 95.

4. Provided always, that nothing herein contained shall prevent the effect of any Act passed during the present Session, repealing, amending, rendering permanent, or continuing to any further period than that herein appointed, any of the Acts or Ordinances hereinbefore mentioned and continued, nor shall continue any provision or part of any of the Acts or Ordinances in this Act mentioned, which may have been repealed by any Act passed during the present Session or in any previous Session.

Proviso: this Act not to prevent the effect of any other Act of the present session.

5. The period limited by the Act of the Parliament of this Province, passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to amend the Acts passed to remedy certain defects in the Registration of Titles in the County of Hastings*, as that within which it shall be lawful for the Registrar or Deputy Registrar of the County of Hastings to receive and index any memorial, under the authority of the Act of the said Parliament, passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to remedy certain defects in the Registration of Titles in the County of Hastings, in Upper Canada*, or of the Act of the said Parliament, passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to alter and amend an Act, intituled, 'An Act to remedy certain defects in the Registration of Titles in the County of Hastings, in Upper Canada*, or to endorse any Deed, Conveyance, Will or Probate, to which such memorial relates, shall be and is hereby extended to the said first day of January, one thousand eight hundred and fifty-nine, and thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer.

Period limited by the Acts of Canada:

12 V. c. 97.

9 V. c. 12

10, 11 V. c. 38.

Extended to 1st January, 1859, &c.

6. The Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to authorize the employment of Military Pensioners and others as a local Police Force*, is hereby revived and shall be continued in force for one year from the passing hereof.

14, 15 V. c. 77 continued.

CAP.

CAP. LXXXII.

An Act to define the Elective Franchise, to provide for the Registration of Voters, and for other purposes therein mentioned.

[*Sanctioned 16th August*, 1858.]

Preamble

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

The Act 18 V. c. 87, and so much of 12 V. c. 27, or of any other Act, as is inconsistent with this Act, repealed.

Exceptions.

1. From the time when this Act shall come into force, the Act passed in the eighteenth year of Her Majesty's Reign, chapter eighty-seven, and so much of an Act passed in the twelfth year of Her Majesty's Reign, chapter twenty-seven, and of all other Acts and parts of Acts as may be contrary to or inconsistent with the provisions of this Act, shall be and the same are hereby repealed, save only and except so far as such Acts repeal the whole or any part of any other Acts, and also, save and except so far as relates to any matters or things done at any time before this Act shall come into force, all which matters and things shall remain as valid and effectual as if this Act had not been passed, and also, save and except as to the recovery and application of any penalty for any offence which shall have been committed before this Act shall come into force as aforesaid.

QUALIFICATION OF VOTERS.

Persons hereinafter mentioned, and no others, to be qualified as Electors, if duly registered.

2. The following persons, (and no other persons) being of the full age of twenty-one years, and subjects of Her Majesty by birth or naturalization, and not being disqualified as holding any office or otherwise by law prevented from voting, shall, if duly registered or entered on the revised and certified list of voters according to the provisions of this Act, be entitled to vote at Elections of Members to serve in the Legislative Council or Legislative Assembly of this Province, that is to say:

Qualification of Electors in cities or towns sending Members to the Legislative Assembly.

1. Every male person entered on the then last Assessment-Roll, revised, corrected and in force in any City or Town entitled to send a Member or Members to the Legislative Assembly, as the owner or as the tenant or occupant of real property therein, or within the liberties thereof as bounded for municipal purposes, of the assessed value of three hundred dollars or upwards or of the assessed yearly value of thirty dollars, or upwards,—or who is entered on such last revised and corrected Assessment-Roll of any Township, Parish or Place, as the owner, tenant or occupant of any real property which is within the limits of any such City or Town for the purposes of Representation, but not for municipal purposes, of the assessed value of

of two hundred dollars at least, or of the assessed yearly value of twenty dollars, or upwards,—shall be entitled to vote at any Election of a Member to represent in the Legislative Council the Electoral Division of which such City or Town forms a part,—and shall also be entitled to vote at any Election of a Member to represent in the Legislative Assembly the said City or Town: subject always to the provisions hereinafter contained;

Qualification of Electors in places not being within cities or towns, entitled to send Members to the Legislative Assembly.

2. Every male person entered on the then last Assessment-Roll, revised, corrected and in force in any Parish, Township, Town, Village or place, not being within any City or Town entitled to send a Member or Members to the Legislative Assembly, as the owner, tenant or occupant of real property of the assessed value of two hundred dollars or upwards, or of the yearly assessed value of twenty dollars or upwards, shall be entitled to vote at any Election of a Member to represent in the Legislative Council the Electoral Division of which such Parish, Township, Town, Village or place forms a part, and shall also be entitled to vote at any Election of a Member to represent in the Legislative Assembly the Electoral Division in which such Parish, Township, Town, Village or place is included: subject always to the provisions hereinafter contained;

In what cases joint owners or tenants of any property may vote on it.

3. Whenever two or more persons, whether as being partners in business, joint tenants or tenants in common, or *par indivis*, are entered on such Assessment-Roll as aforesaid, as the owners of any real property, or as tenants or occupants thereof, each of such persons shall be entitled to vote and to be entered on the list of voters in respect of such property, if the value of his part or share be sufficient to have entitled him to vote at any Election for Members to represent in the Legislative Council or Assembly the Electoral Division within which such property is situate, if such property had been assessed in his individual name: except that if the property be held by any body Corporate, no one of the Members thereof shall be entitled to vote or be entered on the list of voters, in respect of such property; Provided that in Upper Canada such persons, as in this sub-section mentioned, must establish their right before the Court of Revision or County Judge according to the provisions of the Assessment Laws, and be entered on the Assessment-Roll accordingly.

Exception.

Proviso.

PERSONS DISQUALIFIED FROM VOTING.

Certain officers and persons not to vote.

4. No Returning Officer, Deputy-Returning Officer, Election Clerk or Poll Clerk, no person disqualified to vote under the provisions of the Statute passed in the twentieth year of Her Majesty's Reign, chapter twenty-two, and no person who, at any time either during the Election or before the Election, shall

shall be employed at the said Election or in reference thereto, or for the purpose of forwarding the same, by any Candidate or by any person whomsoever, as Counsel, Agent, Attorney or Clerk at any polling place at any such Election, or in any other capacity whatever, and who shall have received or expect to receive, either before, during or after the said Election, from any candidate or from any person whomsoever, for acting in any such capacity as aforesaid, any sum of money, fee, office, place or employment, or any promise, pledge or security whatever for any sum of money, fee, office, place or employment, shall be entitled to vote at any Election of a Member of the Legislative Council or Assembly.

REGISTRATION OF VOTERS AS REGARDS UPPER CANADA ONLY.

Clerks of Municipalities to make lists of Electors from the assessment-rolls.

4. 1. The Clerk of each Municipality in Upper Canada shall, after the final revision and correction of the Assessment-Rolls, forthwith make a correct alphabetical list of all persons entitled to vote at the election of a Member of the Legislative Council and Assembly within such Municipality, according to the provisions of this Act, together with the number of the lot or part of lot, or other description of the real property in respect of which each of them is so qualified; and in Cities and Towns, the Clerks shall make out a separate list for each Ward, of the names with a description of the property of all parties on the Assessment-Rolls who may be entitled to vote in respect of real property situate within such Ward; and if any Municipality shall be partly in one Electoral division and partly in another for the purposes of any Election, he shall make out one such alphabetical list for each of such Electoral divisions, containing the names, with such description of property, of all the parties on the Assessment-Rolls who may be entitled to vote in respect of real property situate in each of such Electoral divisions respectively; and the Clerk shall certify by oath or affirmation before the Judge of the County Court, or before any two Justices of the Peace, to the correctness of the list or lists so by him made out, and he shall keep such certified lists among the records of the Municipality, and shall deliver a duplicate original thereof certified by oath or affirmation as aforesaid, to the Clerk of the Peace of the County or Union of Counties within which the said Municipality shall lie; and all such lists shall be completed and delivered as aforesaid, on or before the first day of October in each year; and no person shall be admitted to vote at any Election of a Member to serve in the Legislative Council or Assembly, unless his name shall appear upon the list then last made and certified; and no question of qualification shall be raised at any such Election, except to ascertain whether the party tendering his vote is the same party intended to be designated in the alphabetical list aforesaid;

As to cities and towns divided into wards.

Municipalities extending into more than one Electoral Division.

Lists to be attested, and how.

Duplicates to Clerk of the Peace.

When to be completed.

No one not on such List to vote.

What question only to be raised at Poll, as to qualification.

2.

2. Any Assessment-Roll or List of Voters shall be understood to be finally revised and corrected, when it shall have been so revised and corrected by the Judge of the County Court, or other authority to whom the last appeal may be made, or when the time during which such appeal may be made shall have elapsed, and not before; When the Roll or List shall be considered finally revised.

3. The notice of appeal from the Court of Revision under the twenty-eighth section of the Act sixteenth Victoria, chapter one hundred and eighty-two, may be by the Attorney or Agent of the party; and the decision of the County Judge or acting Judge of the County Court, under the said section, shall be final and conclusive in the case adjudicated upon, and shall be binding on every Committee of the Legislative Council and Legislative Assembly respectively, appointed for the trial of any Petition complaining of an undue election or return of a Member to serve in the Legislative Council or Legislative Assembly; and at the Court holden under the said section for the trial of appeals, the Clerk of the Municipality, or other person having the charge of the Assessment-Roll passed by the Court of Revision under the twenty-eighth section of the said Act, shall appear and produce such Roll, and also all papers and writings in his custody, connected with the matter of appeal; and when such Roll is so produced in Court, the same shall be altered and amended according to the decision of the Judge (if then given) who shall write his initials against any part of the said list in which any mistake, error or omission is corrected or supplied, or if the said Roll be not then produced, or the decision be not then given by the Judge, or if so ordered by the Judge, such decision and Judgment shall be certified by the Division Court Clerk to the Clerk of the Municipality, who shall forthwith alter and amend the Roll according to the same, and shall write his name against every such alteration or correction; and in all proceedings before the County Judge, or acting Judge of the County Court, under the said Act, or under, or for the purposes of this Act, such Judge shall possess all such powers for compelling the attendance of, and for the examination on oath of all parties whether claiming or objecting, or objected to, and all other persons whatsoever, and for the production of books, papers, rolls and documents, and for the enforcement of his orders, decisions and judgments, as belong to or might be exercised by him, either in term time or vacation in the County Court, in relation to any matter or suit depending in the said Court. And the costs of any proceeding before the County Judge as aforesaid, shall hereafter be paid by, or apportioned between the parties in such manner as the Judge shall think fit, and costs ordered to be paid by any party claiming or objecting, or objected to, or by any Assessor Clerk, of a Municipality or other person, may be enforced by execution from the Division Court in the same manner as upon an ordinary judgment recovered in such Court; but the party appealing shall, notwithstanding this clause, continue to deposit the sum of ten

Notice of appeal under sect. 28 of 16 V. c. 182.

Decision of County Judge, &c., to be final and bind all parties.

Assessment-Roll to be produced to the Court of Revision;

And amended according to the decision of the Judge.

Amendments how certified

County Judge to have power to examine on oath, &c.

Costs to be apportioned by the Judge and how enforced.

Deposit by appellant.

ten shillings for each party appealed against, as security for the costs of Appeal.

REGISTRATION OF VOTERS AS REGARDS LOWER CANADA ONLY.

Assessors to ascertain owners, tenants, &c., of property, and enter them on the Rolls.

5. It shall be the duty of Assessors in Lower Canada to ascertain by the best means in their power, the owner and the tenant or occupant of all real property entered in the Assessment-Roll, and to enter the names of such owner and tenant or occupant therein, distinguishing them respectively as the owner, tenant or occupant, as the case may be:

Rolls to be corrected yearly, if not made yearly.

2. But it shall be the duty of Assessors in every incorporated City, and in every local Municipality now existing or that may hereafter exist in Lower Canada, in which City or Municipality Assessment-Rolls are not required to be or shall not be made annually, to revise and correct every year until the next general Assessment-Roll shall be made, the then existing Assessment-Roll so far as regards the names of the owners and tenants or occupants of all real property, entitled under the provisions of this Act to be entered on the list of voters at the Elections of Members of the Legislative Council or Assembly; and such revision and correction shall be made annually at and during the same period of the year at and during which the original Assessment shall have been made; and every such revised and corrected Assessment-Roll shall be delivered to the Treasurer or Secretary-Treasurer of the Municipality, in the same manner and within the same delay as the original Assessment-Roll is or shall be required to be delivered;

At what time.

To whom to be delivered.

Clerk, &c., to make List of Electors shewing the property on which they are qualified, &c.

3. It shall be the duty of the Clerk or Treasurer or Secretary-Treasurer of every such City and of every such local Municipality, immediately after the Assessment-Roll shall have been received by the Clerk, Treasurer or Secretary-Treasurer of the Municipality, to make an Alphabetical List of the persons who shall appear by the Assessment-Roll to be qualified, under this Act, to vote at Elections of Members of the Legislative Council or Assembly, in respect of property mentioned in such Assessment-Roll, distinguishing such persons as appear qualified as owners from those qualified as tenants or occupants, and shewing the number of the lot or part of lot, or other description of the real property in respect of which they are so qualified; and in every such incorporated City, the Clerk or Secretary-Treasurer shall make out for each Ward a separate list of the above kind, of all persons who may be entitled to vote in respect of real property situate within such Ward. And if any Municipality shall be partly in one Electoral Divison and partly in another for the purposes of any such election, the Clerk or Secretary-Treasurer shall make out for each of such Electoral Divisions, one such Alphabetical List containing the names, with such description of property, of all persons

As to cities and towns divided into wards.

As to Municipalities extending into more than one Electoral Division.

persons on the Assessment-Roll who may be entitled to vote in respect of real property situate in each of such Electoral Divisions respectively; and such Clerk or Secretary-Treasurer shall certify by oath or affirmation before any two Justices of the Peace to the correctness of the List or Lists so made out by him, and he shall keep such certified Lists among the records of the Municipality, and shall deliver a duplicate thereof when finally revised and corrected, certified by oath or affirmation as aforesaid, to the Registrar of the County or Registration Division within which the Municipality shall lie; and it shall be the duty of the Clerk or Secretary-Treasurer in Cities or Municipalities in which Assessment-Rolls are not or shall not be made annually, to make out in the same manner an Alphabetical list of the same kind from the Assessment-Roll as annually revised and corrected by the Assessors; and a copy of every such list shall be kept publicly posted up in the office of the said Clerk or Secretary-Treasurer for the information of all parties concerned, such copy being corrected by the said Clerk or Secretary-Treasurer by the original when finally revised as hereinafter provided, and again posted up as aforesaid;

Attestation of List.

Duplicate to the Registrar of the County.

List to be revised, &c., yearly.

Copy to be posted up, and where.

4. The List of Voters made in the manner prescribed by the next preceding sub-section, for any Municipality in Lower Canada, (not including Cities,) shall be subject to revision and correction in the same manner and by the same authority by which the Assessment-Roll may by law be revised and corrected, and application may be made by parties desirous of having the same corrected, in the manner and during the period of time provided by law for making applications for corrections in the Assessment-Roll; and in the Cities, such members of the City Council as shall be appointed by such Council, for that purpose, or if there be a Board established by law for revising the list or lists of Municipal electors or voters, such Board shall be a Board for revising the List of Voters, and application may be made by parties desirous of having the same corrected, in the manner hereinafter mentioned during such time as shall be appointed by the City Council; And the said Board shall take cognizance of any complaint made in writing by one or more electors, to the effect that any property designated in such complaint has been overvalued in the Valuation-Roll, provided such over valuation would have the effect of giving the right of voting to a person not otherwise entitled to vote: And the said Board shall determine such complaints in the manner, and with the formalities appointed with regard to the complaints referred to in the following sub-section;

Lists subject to revision and by whom.

In places other than cities

In cities.

Board may correct over valuation, if it would give a vote to a party not otherwise entitled.

5. If any person shall deem himself aggrieved either by the insertion or omission of his name in any such List, he shall, either by himself or his agent, give notice thereof in writing to the Clerk or Secretary-Treasurer of the City or Municipality, within the period aforesaid, stating generally in what manner, and for what reasons he holds himself aggrieved; and the complaint

How persons deeming themselves aggrieved with regard to such Lists shall proceed.

five years, reckoning in every case from the time when the said Bank shall have so commenced the business of Banking, under the penalty of the forfeiture of their Charter.

Inconsistent enactments repealed.

3. So much of the said Act and of every other Act as may be at variance with the provisions of this Act, is hereby repealed.

CAP. LXXX.

An Act to vest certain portions of Bathurst Street, in the City of London, in the London and Port Stanley Railway Company, and to facilitate the said Company in the disposal of certain of their Real Estate.

[*Assented to 7th August*, 1858.]

Preamble.

16 V. c. 229.

WHEREAS by an Act passed in the sixteenth year of Her Majesty's Reign, chapter two hundred and twenty-nine, portions of certain streets in the City of London, were vested in the Great Western Railway Company, in accordance with the Petition of the then Town Council of the said City, for the reduction of the width thereof; And whereas the London and Port Stanley Railway Company have petitioned for permission to enclose and hold so much of Bathurst street lying between Waterloo and Burwell streets, and adjoining their depôt grounds in the said City, as would render Bathurst street aforesaid of one uniform width, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

The Company may inclose a certain portion of Bathurst street.

1. It shall be lawful for the London and Port Stanley Railway Company to enclose and hold thirty-three feet, more or less, or so much of the North side of Bathurst street, in the City of London, as will render the width of that portion of the said street which now adjoins the depôt grounds of the said Railway Company, equal to and uniform with that of those parts of the said street lying West of Burwell street and East of Waterloo street, in the said City; and the said land so enclosed shall be vested in the London and Port Stanley Railway Company for ever: Provided always, that the portion of Bathurst street aforesaid, in front of Lots Eleven and Twelve, shall not be so enclosed, held and vested, until the said Company carry out their bargain subsisting with Elijah Leonard, for the purchase of parts of Lots Eleven and Twelve: Provided always, that in case the said thirty-three feet of land shall cease to be used for Railway purposes, the said land shall revert to the Corporation of the City of London, as a public highway.

Proviso.

Proviso.

Recital.

2. And whereas the London and Port Stanley Railway Company now hold and possess divers tracts and lots of land, situate in

in the said City of London and in the Town of St. Thomas, in the County of Elgin, purchased by the said Company originally for the construction, maintenance and use of their Railway, but which are no longer productive of any immediate benefit or profit And whereas the said lands have, with the other real property of the said Company, been mortgaged by the said Company for the benefit of their Railway, and the Company are therefore unable to depart therewith, but are compelled to retain the same to their great loss and detriment; And whereas, having obtained the consent of a large proportion of the bondholders of the said Company, for that purpose, they have prayed that they may be authorized to dispose of and sell the said lands in the City of London, and in the Town of St. Thomas, above referred to, with the view of devoting the proceeds either in liquidation of the liabilities of the said Company or in improving the permanent way of their said railway, and it is expedient, and for the interests of the said Company and of the bondholders thereof, that such power should be granted them: Therefore, the said Company shall have full power and authority, and they are hereby authorized to alienate, sell and dispose of all lots and parcels of land, the property of the said Company, and situate, lying and being in the City of London and Town of St. Thomas aforesaid, and not now occupied or used by the said Company for the purposes of their said Railway, or for any other purposes of the said Company; and the proceeds of such sale or sales shall be appropriated either towards the payment of the privileged debts of the said Company or to the improvement of the permanent way of their Railway, as the Directors of the said Company, for the time being, may deem most expedient; any law or usage to the contrary notwithstanding.

Company may alienate certain lands for which they have no further use.

Application of proceeds.

2. This Act shall be deemed a Public Act.

Public Act.

CAP. LXXXI.

An Act to continue for a limited time the several Acts and Ordinances therein mentioned, and for other purposes.

[*Assented to* 16*th August*, 1858.]

Preamble.

WHEREAS it is expedient further to continue the Acts and Ordinances hereinafter mentioned, which would otherwise expire at the end of the present Session: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Acts of Canada.

1. The Act of the Parliament of this Province, passed in the seventh year of Her Majesty's Reign, and intituled, *An Act to prevent obstructions in Rivers or Rivulets in Upper Canada*,

7. V. c. 36.

Canada, as amended and explained by the Act of the said Parliament, passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to amend, explain and continue an Act passed in the seventh year of the Reign of Her Majesty, intituled, 'An Act to prevent obstructions in Rivers or Rivulets in Upper Canada,'* and by the Act of the said Parliament, passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to explain and amend the Acts for preventing obstructions in Rivers and Rivulets in Upper Canada*, and both the said last mentioned Acts; the Act of the said Parliament passed in the eighth year of Her Majesty's Reign, and intituled, *An Act for the better preservation of the Peace and the prevention of Riots and violent outrages at and near Public Works, while in the progress of construction*, as amended and extended by the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to continue an Act passed in the eighth year of the Reign of Her Majesty, intituled, 'An Act for the better preservation of the Peace and the prevention of Riots and violent outrages at and near Public Works, while in progress of construction,' and to extend the operation thereof to certain works undertaken by Incorporated Companies*, and the said last mentioned Act; the Act of the said Parliament, passed in the eighth year of Her Majesty's Reign, and intituled, *An Act to amend the Act and Ordinance therein mentioned, relative to the Registration of Titles to, and Incumbrances upon, Real Property in Lower Canada;* the Act of the said Parliament, passed in the same year of Her Majesty's Reign, and intituled, *An Act for the relief of Insolvent Debtors in Upper Canada, and for other purposes therein mentioned*, except the forty-fourth Section of the said Act; the Act of the said Parliament, passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to empower Commissioners for enquiring into matters connected with the public business, to take evidence on oath;* the Act of the said Parliament, passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to enlarge the powers of the Trinity House of Montreal, in certain cases where the Public Health of the City may be endangered;* the Act of the said Parliament, passed in the eleventh year of Her Majesty's Reign, and intituled, *An Act to provide for the Inspection of Butter in Quebec and Montreal;* the Act of the said Parliament, passed in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act for the better Management of the Provincial Penitentiary;* the Act passed in the same Session, and intituled, *An Act to provide a more summary and less expensive process for Proprietors of Real Property in Lower Canada to acquire possession thereof, when illegally detained from them in certain cases*, as amended by the Act passed in the sixteenth year of Her Majesty's Reign, and intituled, *An Act to amend the Act fourteenth and fifteenth Victoria, chapter ninety-two, relating to the illegal detention of Real Property in Lower Canada*, and the said

As amended by 10, 11 V. c. 20,

and by 14, 15 V. c. 123.

8 V. c. 6.

As amended and extended by—

14, 15 V. c. 76.

8 V. c. 27.

8 V. c. 48.

except s. 44.

9 V. c. 38.

10, 11 V. c. 1.

11 V. c. 7.

14, 15 V. c. 2.

14, 15 V. c. 92.

16 V. c. 205.

said last mentioned Act; the Act of the Parliament of the late Province of Lower Canada, passed in the second year of the Reign of His late Majesty King George the Fourth, and intituled, *An Act for better regulating the Common of the Seigneurie of Laprairie de la Madeleine;* the Act of the said Parliament, passed in the same year of the same Reign, and intituled, *An Act to enable the inhabitants of the Seigneurie of La Baie Saint Antoine, commonly called La Baie du Febvre, to provide for the better regulation of the Common in the said Seigneurie,* as amended and extended by the Act of the said Parliament, passed in the fourth year of the same Reign, and intituled, *An Act to authorize the Chairman and Trustees of the Common of the Seigniory of the Baie Saint Antoine, commonly called the Baie du Febvre, to terminate certain disputes relating to the limits of the said Common, and for other purposes appertaining to the same;* the Act of the said Parliament, passed in the ninth year of the same Reign, and intituled, *An Act to provide for the more effectual extinction of secret incumbrances on lands than was heretofore in use in this Province;* the Act of the said Parliament, passed in the same year of the same Reign, and intituled, *An Act to prevent fraudulent Debtors evading their Creditors in certain parts of this Province;* the Act of the said Parliament, passed in the same year of the same Reign, and intituled, *An Act to facilitate the proceedings against the Estates and Effects of Debtors in certain cases;* the Act of the said Parliament, passed in the same year of the same Reign, and intituled, *An Act to alter and amend An Act passed in the sixth year of His Majesty's Reign, intituled, 'An Act to authorize the inhabitants of the Fief Grosbois, in the County of Saint Maurice, to make regulations for the Common of the said Fief;'* the Act of the said Parliament passed in the first year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to encourage the destruction of Wolves;* the Act of the said Parliament, passed in the third year of the same Reign, and intituled, *An Act further to suspend certain parts of an Act or Ordinance therein mentioned, and to consolidate and further to continue for a limited time the provisions of two other Acts therein mentioned, for more effectually ascertaining the damages on protested Bills of Exchange, and for determining disputes relating thereto, and for other purposes;* the Act of the said Parliament, passed in the sixth year of the same Reign, and intituled, *An Act to provide for the Medical Treatment of sick Mariners,* as amended by the Act of the Parliament of Canada, passed in the eighth year of Her Majesty's Reign, and intituled, *An Act for the relief of shipwrecked and destitute Mariners, in certain cases therein mentioned,* and by the Act passed in the sixteenth year of Her Majesty's Reign, and intituled, *An Act to exempt certain Vessels from the duty imposed by the Act to provide for the Medical Treatment of sick Mariners,* and both the said last mentioned Acts; the Act of the Parliament of the late Province of Upper Canada, passed in the eleventh

Acts of Lower Canada.

L. C. 2 G. 4, c. 8.

L. C. 2 G. 4, c. 10.

As amended by—

L. C., 4 G. 4, c. 26.

L. C., 9 G. 4, c. 20.

L. C., 9 G. 4, c. 27.

L. C., 9 G. 4, c. 28.

L. C., 9 G. 4, c. 32.

L. C., 1 W. 4, c. 6.

L. C., 3 W. 4, c. 14.

L. C., 6 W. 4, c. 35.

As amended by—

8 V. c. 12.

16 V. c. 166.

Acts of Upper Canada:

 year

year of the Reign of His late Majesty King George the Fourth, and intituled, *An Act to authorize the Quarter Sessions of the Home District to provide for the relief of Insane Destitute persons in that District;* the Act of the said Parliament, passed in the third year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to continue an Act passed in the eleventh year of His late Majesty's Reign, intituled, 'An Act to authorize the Quarter Sessions of the Home District to provide for the relief of Insane destitute persons in that District,' and to extend the provisions of the same to the other Districts of this Province;* and the Act of the said Parliament, passed in the sixth year of the same Reign, and intituled, *An Act to repeal an Act passed in the forty-ninth year of the Reign of His late Majesty King George the Third, intituled, 'An Act to encourage the destroying of Wolves in this Province,' and to make further provision for exterminating those destructive animals,*—shall be, and all and every of the said Acts and Ordinances are hereby continued to the first day of January, one thousand eight hundred and fifty-nine, and from thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer.

U. C., 11 G. 4. c. 20.

U. C., 3 W. 4, c. 45.

U. C., 6 W. 4, c. 29.

The said Acts continued to 1st January, 1859, and to the end of the then next Session.

Acts of Canada:

7 V. c. 10.

9 V. c. 30.

12 V. c. 18.

13, 14 V. c. 20.

2. The Act of the Parliament of this Province, passed in the seventh year of Her Majesty's Reign, and intituled, *An Act to repeal an Ordinance of Lower Canada, intituled, 'An Ordinance concerning Bankrupts, and the administration and distribution of their estates and effects,' and to make provision for the same object throughout the Province of Canada,* and the Act amending the same, passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to continue and amend the Bankrupt Laws now in force in this Province,* in so far only as the same are continued by and for the purposes mentioned in the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to make provision for the continuance and completion of proceedings in Bankruptcy now pending,* and the said last mentioned Act; and the Act of the said Parliament, passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to afford relief to Bankrupts in certain cases,* shall respectively be and they are hereby continued, and shall remain in force until the said first day of January, one thousand eight hundred and fifty-nine, and thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer.

Continued to 1st January, 1859, &c.

Acts of Lower Canada:

L. C., 6 W. 4, c. 19.

3. The Act of the Parliament of the late Province of Lower Canada aforesaid, passed in the sixth year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to regulate the Fees of persons employed by Justices of the Peace in the Country Parishes, as Clerks or Bailiffs in certain cases,* shall be and is hereby continued to the said first day of January, one thousand eight hundred and fifty-nine, and thence until

Continued to 1st January, 1859, &c.

until the end of the then next ensuing Session of the Provincial Parliament, and no longer: Provided always, that in the several Judicial Districts of Lower Canada, so much of the said Act as relates to the Fees to be granted to persons acting as Clerks to Country Magistrates, shall cease to have any force in the said Districts respectively, if or so soon as a Tariff of Fees shall have been promulgated in such District, under the provisions of an Act, passed in the Session of the Legislature held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to facilitate the performance of the duties of Justices of the Peace out of Sessions, with respect to summary convictions and orders.*

Proviso: To cease when Tariffs are made under—

L. C., 14, 15 V. c. 95.

4. Provided always, that nothing herein contained shall prevent the effect of any Act passed during the present Session, repealing, amending, rendering permanent, or continuing to any further period than that herein appointed, any of the Acts or Ordinances hereinbefore mentioned and continued, nor shall continue any provision or part of any of the Acts or Ordinances in this Act mentioned, which may have been repealed by any Act passed during the present Session or in any previous Session.

Proviso: this Act not to prevent the effect of any other Act of the present session.

5. The period limited by the Act of the Parliament of this Province, passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to amend the Acts passed to remedy certain defects in the Registration of Titles in the County of Hastings*, as that within which it shall be lawful for the Registrar or Deputy Registrar of the County of Hastings to receive and index any memorial, under the authority of the Act of the said Parliament, passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to remedy certain defects in the Registration of Titles in the County of Hastings, in Upper Canada*, or of the Act of the said Parliament, passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to alter and amend an Act, intituled, 'An Act to remedy certain defects in the Registration of Titles in the County of Hastings, in Upper Canada*, or to endorse any Deed, Conveyance, Will or Probate, to which such memorial relates, shall be and is hereby extended to the said first day of January, one thousand eight hundred and fifty-nine, and thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer.

Period limited by the Acts of Canada: 12 V. c. 97.

9 V. c. 12.

10, 11 V. c. 38.

Extended to 1st January, 1859, &c.

6. The Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to authorize the employment of Military Pensioners and others as a local Police Force*, is hereby revived and shall be continued in force for one year from the passing hereof.

14, 15 V. c. 77 continued.

CAP.

CAP. LXXXII.

An Act to define the Elective Franchise, to provide for the Registration of Voters, and for other purposes therein mentioned.

[*Sanctioned 16th August*, 1858.]

Preamble

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

The Act 18 V. c. 87, and so much of 12 V. c. 27, or of any other Act, as is inconsistent with this Act, repealed.

Exceptions.

1. From the time when this Act shall come into force, the Act passed in the eighteenth year of Her Majesty's Reign, chapter eighty-seven, and so much of an Act passed in the twelfth year of Her Majesty's Reign, chapter twenty-seven, and of all other Acts and parts of Acts as may be contrary to or inconsistent with the provisions of this Act, shall be and the same are hereby repealed, save only and except so far as such Acts repeal the whole or any part of any other Acts, and also, save and except so far as relates to any matters or things done at any time before this Act shall come into force, all which matters and things shall remain as valid and effectual as if this Act had not been passed, and also, save and except as to the recovery and application of any penalty for any offence which shall have been committed before this Act shall come into force as aforesaid.

QUALIFICATION OF VOTERS.

Persons hereinafter mentioned, and no others, to be qualified as Electors, if duly registered.

2. The following persons, (and no other persons) being of the full age of twenty-one years, and subjects of Her Majesty by birth or naturalization, and not being disqualified as holding any office or otherwise by law prevented from voting, shall, if duly registered or entered on the revised and certified list of voters according to the provisions of this Act, be entitled to vote at Elections of Members to serve in the Legislative Council or Legislative Assembly of this Province, that is to say:

Qualification of Electors in cities or towns sending Members to the Legislative Assembly.

1. Every male person entered on the then last Assessment-Roll, revised, corrected and in force in any City or Town entitled to send a Member or Members to the Legislative Assembly, as the owner or as the tenant or occupant of real property therein, or within the liberties thereof as bounded for municipal purposes, of the assessed value of three hundred dollars or upwards or of the assessed yearly value of thirty dollars, or upwards,---or who is entered on such last revised and corrected Assessment-Roll of any Township, Parish or Place, as the owner, tenant or occupant of any real property which is within the limits of any such City or Town for the purposes of Representation, but not for municipal purposes, of the assessed value

of

of two hundred dollars at least, or of the assessed yearly value of twenty dollars, or upwards,—shall be entitled to vote at any Election of a Member to represent in the Legislative Council the Electoral Division of which such City or Town forms a part,—and shall also be entitled to vote at any Election of a Member to represent in the Legislative Assembly the said City or Town: subject always to the provisions hereinafter contained;

Qualification of Electors in places not being within cities or towns, entitled to send Members to the Legislative Assembly.

2. Every male person entered on the then last Assessment-*Roll*, revised, corrected and in force in any Parish, Township, Town, Village or place, not being within any City or Town entitled to send a Member or Members to the Legislative Assembly, as the owner, tenant or occupant of real property of the assessed value of two hundred dollars or upwards, or of the yearly assessed value of twenty dollars or upwards, shall be entitled to vote at any Election of a Member to represent in the Legislative Council the Electoral Division of which such Parish, Township, Town, Village or place forms a part, and shall also be entitled to vote at any Election of a Member to represent in the Legislative Assembly the Electoral Division in which such Parish, Township, Town, Village or place is included: subject always to the provisions hereinafter contained;

In what cases joint owners or tenants of any property may vote on it.

3. Whenever two or more persons, whether as being partners in business, joint tenants or tenants in common, or *par indivis*, are entered on such Assessment-Roll as aforesaid, as the owners of any real property, or as tenants or occupants thereof, each of such persons shall be entitled to vote and to be entered on the list of voters in respect of such property, if the value of his part or share be sufficient to have entitled him to vote at any Election for Members to represent in the Legislative Council or Assembly the Electoral Division within which such property is situate, if such property had been assessed in his individual name: except that if the property be held by any body Corporate, no one of the Members thereof shall be entitled to vote or be entered on the list of voters, in respect of such property; Provided that in Upper Canada such persons, as in this sub-section mentioned, must establish their right before the Court of Revision or County Judge according to the provisions of the Assessment Laws, and be entered on the Assessment-Roll accordingly.

Exception.

Proviso.

PERSONS DISQUALIFIED FROM VOTING.

Certain officers and persons not to vote.

3. No Returning Officer, Deputy-Returning Officer, Election Clerk or Poll Clerk, no person disqualified to vote under the provisions of the Statute passed in the twentieth year of Her Majesty's Reign, chapter twenty-two, and no person who, at any time either during the Election or before the Election, shall

shall be employed at the said Election or in reference thereto, or for the purpose of forwarding the same, by any Candidate or by any person whomsoever, as Counsel, Agent, Attorney or Clerk at any polling place at any such Election, or in any other capacity whatever, and who shall have received or expect to receive, either before, during or after the said Election, from any candidate or from any person whomsoever, for acting in any such capacity as aforesaid, any sum of money, fee, office, place or employment, or any promise, pledge or security whatever for any sum of money, fee, office, place or employment, shall be entitled to vote at any Election of a Member of the Legislative Council or Assembly.

REGISTRATION OF VOTERS AS REGARDS UPPER CANADA ONLY.

Clerks of Municipalities to make lists of Electors from the assessment-rolls.

4. 1. The Clerk of each Municipality in Upper Canada shall, after the final revision and correction of the Assessment-Rolls, forthwith make a correct alphabetical list of all persons entitled to vote at the election of a Member of the Legislative Council and Assembly within such Municipality, according to the provisions of this Act, together with the number of the lot or part of lot, or other description of the real property in respect of which each of them is so qualified; and in Cities and Towns, the Clerks shall make out a separate list for each Ward, of the names with a description of the property of all parties on the Assessment-Rolls who may be entitled to vote in respect of real property situate within such Ward; and if any Municipality shall be partly in one Electoral division and partly in another for the purposes of any Election, he shall make out one such alphabetical list for each of such Electoral divisions, containing the names, with such description of property, of all the parties on the Assessment-Rolls who may be entitled to vote in respect of real property situate in each of such Electoral divisions respectively; and the Clerk shall certify by oath or affirmation before the Judge of the County Court, or before any two Justices of the Peace, to the correctness of the list or lists so by him made out, and he shall keep such certified lists among the records of the Municipality, and shall deliver a duplicate original thereof certified by oath or affirmation as aforesaid, to the Clerk of the Peace of the County or Union of Counties within which the said Municipality shall lie; and all such lists shall be completed and delivered as aforesaid, on or before the first day of October in each year; and no person shall be admitted to vote at any Election of a Member to serve in the Legislative Council or Assembly, unless his name shall appear upon the list then last made and certified; and no question of qualification shall be raised at any such Election, except to ascertain whether the party tendering his vote is the same party intended to be designated in the alphabetical list aforesaid;

As to cities and towns divided into wards.

Municipalities extending into more than one Electoral Division.

Lists to be attested, and how.

Duplicates to Clerk of the Peace.

When to be completed.

No one not on such List to vote.

What question only to be raised at Poll, as to qualification.

2.

When the Roll or List shall be considered finally revised.

2. Any Assessment-Roll or List of Voters shall be understood to be finally revised and corrected, when it shall have been so revised and corrected by the Judge of the County Court, or other authority to whom the last appeal may be made, or when the time during which such appeal may be made shall have elapsed, and not before;

Notice of appeal under sect. 28 of 16 V. c. 182.

Decision of County Judge, &c., to be final and bind all parties.

3. The notice of appeal from the Court of Revision under the twenty-eighth section of the Act sixteenth Victoria, chapter one hundred and eighty-two, may be by the Attorney or Agent of the party; and the decision of the County Judge or acting Judge of the County Court, under the said section, shall be final and conclusive in the case adjudicated upon, and shall be binding on every Committee of the Legislative Council and Legislative Assembly respectively, appointed for the trial of any Petition complaining of an undue election or return of a Member to serve in the Legislative Council or Legislative Assembly; and at the Court holden under the said section for the trial of appeals, the Clerk of the Municipality, or other person having the charge of the Assessment-Roll passed by the Court of Revision under the twenty-eighth section of the said Act, shall appear and produce such Roll, and also all papers and writings in his custody, connected with the matter of appeal; and when such Roll is so produced in Court, the same shall be altered and amended according to the decision of the Judge (if then given) who shall write his initials against any part of the said list in which any mistake, error or omission is corrected or supplied, or if the said Roll be not then produced, or the decision be not then given by the Judge, or if so ordered by the Judge, such decision and Judgment shall be certified by the Division Court Clerk to the Clerk of the Municipality, who shall forthwith alter and amend the Roll according to the same, and shall write his name against every such alteration or correction; and in all proceedings before the County Judge, or acting Judge of the County Court, under the said Act, or under, or for the purposes of this Act, such Judge shall possess all such powers for compelling the attendance of, and for the examination on oath of all parties whether claiming or objecting, or objected to, and all other persons whatsoever, and for the production of books, papers, rolls and documents, and for the enforcement of his orders, decisions and judgments, as belong to or might be exercised by him, either in term time or vacation in the County Court, in relation to any matter or suit depending in the said Court. And the costs of any proceeding before the County Judge as aforesaid, shall hereafter be paid by, or apportioned between the parties in such manner as the Judge shall think fit, and costs ordered to be paid by any party claiming or objecting, or objected to, or by any Assessor Clerk, of a Municipality or other person, may be enforced by execution from the Division Court in the same manner as upon an ordinary judgment recovered in such Court; but the party appealing shall, notwithstanding this clause, continue to deposit the sum of ten

Assessment-Roll to be produced to the Court of Revision;

And amended according to the decision of the Judge.

Amendments how certified.

County Judge to have power to examine on oath, &c.

Costs to be apportioned by the Judge and how enforced.

Deposit by appellant.

ten shillings for each party appealed against, as security for the costs of Appeal.

REGISTRATION OF VOTERS AS REGARDS LOWER CANADA ONLY.

Assessors to ascertain owners, tenants, &c., of property, and enter them on the Rolls.

5. It shall be the duty of Assessors in Lower Canada to ascertain by the best means in their power, the owner and the tenant or occupant of all real property entered in the Assessment-Roll, and to enter the names of such owner and tenant or occupant therein, distinguishing them respectively as the owner, tenant or occupant, as the case may be:

Rolls to be corrected yearly, if not made yearly.

2. But it shall be the duty of Assessors in every incorporated City, and in every local Municipality now existing or that may hereafter exist in Lower Canada, in which City or Municipality Assessment-Rolls are not required to be or shall not be made annually, to revise and correct every year until the next general Assessment-Roll shall be made, the then existing Assessment-Roll so far as regards the names of the owners and tenants or occupants of all real property, entitled under the provisions of this Act to be entered on the list of voters at the Elections of Members of the Legislative Council or Assembly; and such revision and correction shall be made annually at and during the same period of the year at and during which the original Assessment shall have been made; and every such revised and corrected Assessment-Roll shall be delivered to the Treasurer or Secretary-Treasurer of the Municipality, in the same manner and within the same delay as the original Assessment-Roll is or shall be required to be delivered;

At what time.

To whom to be delivered.

Clerk, &c., to make List of Electors shewing the property on which they are qualified, &c.

3. It shall be the duty of the Clerk or Treasurer or Secretary-Treasurer of every such City and of every such local Municipality, immediately after the Assessment-Roll shall have been received by the Clerk, Treasurer or Secretary-Treasurer of the Municipality, to make an Alphabetical List of the persons who shall appear by the Assessment-Roll to be qualified, under this Act, to vote at Elections of Members of the Legislative Council or Assembly, in respect of property mentioned in such Assessment-Roll, distinguishing such persons as appear qualified as owners from those qualified as tenants or occupants, and shewing the number of the lot or part of lot, or other description of the real property in respect of which they are so qualified; and in every such incorporated City, the Clerk or Secretary-Treasurer shall make out for each Ward a separate list of the above kind, of all persons who may be entitled to vote in respect of real property situate within such Ward. And if any Municipality shall be partly in one Electoral Divison and partly in another for the purposes of any such election, the Clerk or Secretary-Treasurer shall make out for each of such Electoral Divisions, one such Alphabetical List containing the names, with such description of property, of all persons

As to cities and towns divided into wards.

As to Municipalities extending into more than one Electoral Division.

persons on the Assessment-Roll who may be entitled to vote in respect of real property situate in each of such Electoral Divisions respectively; and such Clerk or Secretary-Treasurer shall certify by oath or affirmation before any two Justices of the Peace to the correctness of the List or Lists so made out by him, and he shall keep such certified Lists among the records of the Municipality, and shall deliver a duplicate thereof when finally revised and corrected, certified by oath or affirmation as aforesaid, to the Registrar of the County or Registration Division within which the Municipality shall lie; and it shall be the duty of the Clerk or Secretary-Treasurer in Cities or Municipalities in which Assessment-Rolls are not or shall not be made annually, to make out in the same manner an Alphabetical list of the same kind from the Assessment-Roll as annually revised and corrected by the Assessors; and a copy of every such list shall be kept publicly posted up in the office of the said Clerk or Secretary-Treasurer for the information of all parties concerned, such copy being corrected by the said Clerk or Secretary-Treasurer by the original when finally revised as hereinafter provided, and again posted up as aforesaid;

Attestation of List.

Duplicate to the Registrar of the County.

List to be revised, &c., yearly.

Copy to be posted up, and where.

4. The List of Voters made in the manner prescribed by the next preceding sub-section, for any Municipality in Lower Canada, (not including Cities,) shall be subject to revision and correction in the same manner and by the same authority by which the Assessment-Roll may by law be revised and corrected, and application may be made by parties desirous of having the same corrected, in the manner and during the period of time provided by law for making applications for corrections in the Assessment-Roll; and in the Cities, such members of the City Council as shall be appointed by such Council, for that purpose, or if there be a Board established by law for revising the list or lists of Municipal electors or voters, such Board shall be a Board for revising the List of Voters, and application may be made by parties desirous of having the same corrected, in the manner hereinafter mentioned during such time as shall be appointed by the City Council; And the said Board shall take cognizance of any complaint made in writing by one or more electors, to the effect that any property designated in such complaint has been overvalued in the Valuation-Roll, provided such over valuation would have the effect of giving the right of voting to a person not otherwise entitled to vote: And the said Board shall determine such complaints in the manner, and with the formalities appointed with regard to the complaints referred to in the following sub-section;

Lists subject to revision and by whom.

In places other than cities

In cities.

Board may correct over valuation, if it would give a vote to a party not otherwise entitled.

5. If any person shall deem himself aggrieved either by the insertion or omission of his name in any such List, he shall, either by himself or his agent, give notice thereof in writing to the Clerk or Secretary-Treasurer of the City or Municipality, within the period aforesaid, stating generally in what manner, and for what reasons he holds himself aggrieved; and the complaint

How persons deeming themselves aggrieved with regard to such Lists shall proceed.

complaint shall be tried and determined by the said Board or authority at such time and place as it shall appoint, of which reasonable notice shall be given to the complainant and to the Assessor or Assessors who made the Roll; and if any person, being himself a Voter, whose name is on the List, shall think that the name of any other person also entered thereon ought not to be so entered because such other person is not duly qualified as a Voter under the provisions of this Act, or shall think that the name of any other person not entered thereon should be so entered because such person is duly qualified as an elector under the provisions of this Act, he may file a complaint to that effect with the Clerk or Secretary-Treasurer of the City or Municipality within the period aforesaid, stating his complaint and the grounds thereof, and the complaint shall be tried and determined by the Board or authority aforesaid at such time and place as it shall appoint, of which reasonable notice shall be given to the complainant, and to the Assessor or Assessors who made the Assessment-Roll, and to the person the entry of whose name on the List is objected to, if he resides within the limits of the City or Municipality, and, if not, such notice shall be openly posted up in the office of the said Clerk or Secretary-Treasurer for the information of all concerned, or to the person whose name is not entered on the said list, but ought to be entered thereon, if the complaint be admitted: And at the time and place so appointed as aforesaid, or any other time and place to which the hearing may be adjourned, the said Board or authority shall, after hearing such of the parties notified as aforesaid as shall then and there appear, or without hearing any of them who shall fail so to appear, finally determine the complaint and affirm or amend the said List by entering thereon or erasing therefrom the said names, as they shall after such hearing think right: And the said Board or authority shall have full power to hear and determine any such complaint as aforesaid, and to correct the List of Voters according to such determination, and to adjourn the hearing in any case at pleasure, and to examine any party or any witness adduced by any party, or any documents or writings offered as evidence, and to administer or cause any one of their number to administer an oath or affirmation to any party or to any witness adduced before them, or to summon any person resident in the City or Municipality to attend as a witness before them; and if any person being so summoned shall fail to attend at the time and place mentioned in the summons (being tendered compensation for his time at the rate of fifty cents a day, such compensation to be paid by the party whom the said Board or authority shall condemn to the payment thereof,) he shall thereby incur a penalty of twenty dollars to be recovered with costs to the use of the City or Municipality in any way in which penalties under By-laws can be recovered: Provided always that all the proceedings under this section shall be summary, and the Board or authority

If any person entered on the List is objected to: or any person is omitted who is alleged to be qualified.

Notice to parties.

Proceedings of the Revising Board on any such complaint; and their powers to decide, &c.

Adjournments.

Evidence. Oaths.

Witnesses compellable to attend, &c.

Proviso: such proceedings to

authority hearing any such complaint as aforesaid (whether in any City or in any other Municipality) shall not be bound by any technical rules of proceeding or evidence, but shall proceed upon and determine such complaint to the best of their ability, in such manner as they shall deem most conducive to equity and the substantial merits of the case; be summary, &c.

6. Any person who shall have filed any complaint to the Board or authority for revising the lists of voters in any part of Lower Canada, or concerning whom a complaint shall have been filed, and who shall deem himself aggrieved by the decision of such Board or authority touching such complaint, may, within eight days after such decision shall have been given, appeal therefrom to the Superior or Circuit Court at its place of sitting in the Municipality or nearest thereto, by a petition setting forth briefly the grounds of appeal, and shall serve a copy of such petition on the Clerk or Secretary-Treasurer of the City or other Municipality, who shall give reasonable notice thereof to the Assessor and other parties concerned: and any Judge of the Superior Court shall have full power and authority to hear and determine such appeal in a summary manner either in term or vacation, at such time and in such way as he shall think best for ensuring justice to all parties, and may direct that any further notice be given to any party, if he shall think proper, and shall have the powers for summoning before him and examining on oath or affirmation, any party or witness and compelling the production of any document, paper or thing, and generally all other powers which are vested in the Superior or Circuit Court in relation to any matter pending before it, but shall not be bound to observe any form of proceeding, except such only as he shall deem necessary for doing substantial justice to all parties; and the decision of such Judge shall be final and conclusive, and the Clerk or Secretary-Treasurer having custody of the list of voters to which it relates, shall correct the same, if any correction be ordered by such decision, immediately on receiving a copy thereof certified by the Clerk of the Court by which it shall be given: And the costs of any such appeal shall be in the discretion of the Judge and shall be taxed by him at such sum and for and against such parties respectively as he may think right; and any party in whose favor any such costs may be taxed, may recover them from the party against whom they shall be taxed, by execution in the manner in which costs awarded by any judgment of the Court may be recovered: Provided that no evidence shall be received by the Judge on any such appeal, except such as he shall see reasonable cause to think was adduced before the Board or authority to whom the complaint appealed from was made; And provided further, that the pendency of any such appeal shall not affect the validity of those parts of the lists of voters from which no appeal shall be made, but the same shall for all the purposes of this Act be deemed finally revised and corrected so soon as the delay

Appeal given from the Revising Board to the Superior or Circuit Court.

Judge to hear and determine on such appeal in a summary way.

His powers for that purpose.

His decision to be final.

Costs of appeal, how and against whom taxable.

Proviso: as to evidence.

Proviso: appeal not to affect parts of List not appealed from.

delay allowed for appealing shall have expired: and no proceeding on such appeal shall be void for want of form;

List finally revised to be returned and posted up.

No one not upon it to vote.

7. After any such List shall have been revised and finally corrected, it shall be restored to the Clerk or Secretary-Treasurer, who shall forthwith correct by it the copy posted up in his Office, and until another shall in a future year be made, revised and corrected in its stead, those persons only whose names are entered upon such List, as finally revised and corrected, shall be entitled to vote at any Election of a Member of the Legislative Council or Assembly for the City or Municipality for which it was made, or the Electoral Division of which such City or Municipality forms part;

Copies of Lists to be furnished to Deputy-Returning Officers.

8. It shall be the duty of the Clerk or Secretary-Treasurer of any City or Municipality as aforesaid, to furnish to every Deputy-Returning Officer acting in such City or Municipality, or in any Ward or Division thereof, a true copy or true copies, certified by such Clerk or Secretary-Treasurer, of the List of Voters then last revised and corrected as aforesaid, or of so much thereof as shall relate to the locality for which such Deputy-Returning Officer is to act; and such Deputy-Returning Officer shall not receive the vote of any person as being a voter qualified by reason of his being entered on any Assessment-Roll, unless the name of such person shall be found upon the copy of the said List furnished to him;

No voting where no List.

Proviso: for the case when Valuators appointed by the Governor under 18 V. c. 100, ss. 36 and 66, neglect to make the valuation.

9. No voting shall be taken nor any Poll be held in any Municipality in which no list of voters shall have been made: Provided always that if the Valuators appointed by the Governor, under the thirty-sixth or under the sixty-sixth section of "The Lower Canada Municipal and Road Act of 1855," shall neglect to make the valuation required by the sixty-fifth section of the said Act, the Governor shall, on the complaint of the chief Officer of the Municipal Council, or of the Registrar of the County, or of two proprietors duly qualified to vote in the said Municipality, appoint in their place other Valuators, who shall be required to make the said Valuation in the manner in which it ought to have been made by the Valuators whose duty it was to have made it, and they shall in this respect have all the same rights and powers to exercise, and all the same duties to perform, and shall be bound under the same penalties in case of failure or neglect on their part, and the third and fourth paragraphs of the sixty-sixth section of the said Act shall apply to them in the same manner as to the first Valuators appointed by the Governor; and the time to be allowed to the former Valuators as well as to those subsequently appointed by the Governor for making the said valuation, shall be twenty days from the day on which their appointment shall have been announced in the *Canada Gazette*; Provided also, that if the Clerk, Treasurer or Secretary-Treasurer shall neglect to draw up the alphabetical list as required by the third

Proviso: if the Clerk, &c., of any Municipality ne-

third sub-section of the fifth section of this Act, the Governor, *on* the complaint of the chief Officer of the Municipal Council of the said City or Municipality, or on the complaint of the Registrar of the County, or of two duly qualified voters of the said City or Municipality, shall appoint a Clerk *ad hoc* to make the said alphabetical list, and the said Clerk *ad hoc* shall in that respect be vested with all the same rights and powers, and shall have all the same duties to perform, and under the same penalties in case of failure or neglect on his part, as the Clerk of the Municipality himself, and the chief Officer and the other Officers of the said Municipal Council, in so far as it shall depend on each of them, shall be bound to deliver up to the said Clerk *ad hoc* the said Valuation-Roll, under the penalties imposed by the seventh section of this Act;

Neglects to draw up the Alphabetical List required, s. 5, par. 3 of this Act.

10. The list of voters mentioned in the third sub-section of this section, shall be considered finally revised and corrected when it shall have been so revised and corrected by the authority or the Board of Revisors mentioned in the fourth sub-section of this section; Provided always that if between the day of such final revision and correction and any time before the issuing of a writ for the election of a Member of the Legislative Council or Assembly, it shall be shewn to any judge of the Superior Court in Lower Canada, that the Clerk or the Secretary-Treasurer of a city or municipality has altered or falsified the said list of voters as finally revised and corrected, or allowed the same to be altered or falsified, the said judge shall summon the said Clerk or Secretary-Treasurer of the said city or municipality, or other officer in charge of the Assessment or Valuation-Rolls, to appear before him and to produce the same, together with the list of voters, and to undergo such an examination under oath as the Judge may require: And at the time and place appointed for the appearance of such person, the Registrar shall appear before the judge, bringing with him the duplicate of the alphabetical list: And after an examination of the said roll and list, and with or without further proof as he shall see fit, the judge shall make such alterations and corrections in the said list and duplicate thereof as he shall consider necessary and proper in order that the said list and duplicate may be in all respects similar to the list as finally revised and corrected.

List of Voters to be revised and corrected by Revisors.

Proviso: if within certain time it be shewn to a Judge that any such List has been tampered with.

Rolls and List to be produced before the Judge.

Judge to order corrections if necessary.

MISCELLANEOUS PROVISIONS.

6. It shall be the duty of the Registrar of any County or Registration Division, any Clerk of the Peace and any Clerk or Secretary-Treasurer of any City or Municipality or part of any Municipality, having the custody of the list of voters of any City or Municipality or part of any Municipality or place, to furnish a certified copy of such lists, then last revised and corrected, to any person who shall require such copy, on being paid

Copies of Lists to be furnished on demand and payment of certain fees.

paid for the same by such person at the rate of three cents for every ten voters whose names are on such list.

Clerks, &c., wilfully altering or falsifying lists of Voters, to be guilty of felony.

7. If the Clerk, Treasurer or Secretary-Treasurer of any City or Municipality, shall neglect to make the alphabetical list as required by the third sub-section of the fifth section of this Act, or in making out any certified list of persons entitled to vote at any election of a member to serve in the Legislative Council or Assembly, wilfully insert or omit any name which ought not to have been inserted or omitted, or otherwise alter or falsify the same so that it shall not be the correct list of all persons entitled to vote according to the Assessment-Roll or (in Lower Canada) to the proper list of voters, as finally revised and corrected, and if any Clerk, Secretary-Treasurer, Returning Officer, Deputy-Returning Officer, Registrar, Clerk of the Peace or any other person whose duty it is to deliver copies or have the custody of any certified list of voters as aforesaid, shall wilfully make any alteration, omission or insertion, or in any way falsify any such certified list or copy, every such person shall be deemed guilty of felony, and being convicted thereof shall be liable at the discretion of the Court whose duty it shall be to pass the sentence of the law upon such offender, to be imprisoned at hard labour in the Provincial Penitentiary, for any term not exceeding seven years, nor less than two years, or to be imprisoned in any other place of confinement for any term not exceeding two years, or to suffer such other punishment by fine or imprisonment or both, as the Court shall award; and it shall not in any indictment for any such offence be necessary to allege that the article in respect of which the offence is committed, is the property of any person, or that the same is of any value.

Punishment.

Certain allegations not requisite in Indictment.

At any time before the issuing of a Writ of Election, a Judge, on its being shewn that any such list is not correct according to the assessment, may have such list brought before him and corrected.

8. If at any time before the issuing of the Writ to hold any Election for a Member to serve in the Legislative Council or Assembly, it shall be made to appear to the County Judge or acting Judge of the County Court in Upper Canada, that the Clerk or Secretary-Treasurer of any City or Municipality in making the alphabetical list of persons entitled to vote as aforesaid or the duplicate original thereof, has wilfully or inadvertently omitted or inserted any name which ought not to be inserted or omitted, or otherwise altered or falsified the same, or that such alphabetical list or duplicate original is in point of fact not a correct list of all persons entitled to vote according to the Assessment-Roll as finally revised and corrected, such Judge may require the Clerk or Secretary-Treasurer of the City or Municipality or other officer having the custody of such Assessment-Roll, to appear before him and produce such Roll and alphabetical list and submit to such examination upon oath as may be required of him: And at the time and place appointed for the appearance of such person, the Clerk of the Peace in Upper Canada shall attend before the Judge with the duplicate alphabetical list in his possession; And the Judge may,

may, on inspection of such Assessment-Roll and list, and with or without further proof at his discretion, make such alterations and corrections in such lists as to him shall seem necessary and proper, in order that the same may be a correct list of all persons entitled to vote according to the Assessment-Roll as finally revised and corrected, and according to the spirit and meaning of this Act.

Returning Officer to see that each of his Deputies is furnished with a proper List of Voters.

9. It shall be the duty of every Returning Officer, upon receiving a Writ to hold any Election for a Member to serve in the Legislative Council or Assembly, to ascertain that every Deputy-Returning Officer is in possession of a certified copy of the then last revised and certified list of voters within the Municipality, part of a municipality or Ward of a City for which he shall be Deputy-Returning Officer; and if the Clerk of the Municipality is not the Deputy-Returning Officer, or if the copy in the possession of the Clerk has been lost or destroyed, the Returning Officer shall procure from the Registrar of the County or Registration Division in Lower Canada, or from the Clerk of the Peace in Upper Canada, a copy certified by him to be correct of the then last list of voters for such Municipality, part of a Municipality or Ward, filed in his office, and shall cause the same to be delivered to the Deputy-Returning Officer; and the Returning Officer shall be authorized to include any charge for obtaining such certified copies in the account of the general expenses of holding such Election, furnished by him to the Government.

Persons on the List of Voters to be allowed to vote,—on taking a certain oath, if required.

10. The Deputy-Returning Officer, at any Election of a Member of the Legislative Council or Assembly in any part of this Province, shall receive the vote of any person whose name he shall find in the proper list of voters furnished to him, or in his possession as aforesaid; provided such person shall, if required by any Candidate or the Agent of any Candidate, or by the Deputy-Returning Officer himself, take the following oath or affirmation, which such Deputy-Returning Officer is hereby empowered to administer:

The oath.

"You swear (*or* solemnly affirm) that you are (*name of voter as entered on the list,*) whose name is entered on the list of voters now shewn to you (*showing the list to the voter*) that you are a subject of Her Majesty by birth (*or* naturalization), that you are of the full age of twenty-one years,—that you have not before voted at this Election, either at this or any other polling place, and that you have not received any thing, nor has any thing been promised to you, either directly or indirectly, in order to induce you to vote at this Election. So help you God."

No other oath to be taken.

And no other oath or affirmation shall be required of any person whose name is entered on any such list of voters as aforesaid.

Punishment for falsely personating a Voter on the List.

11. If at the Election of a Member to serve in the Legislative Council or Assembly, any person shall knowingly personate and falsely assume to vote in the name of any other person whose name appears on the proper list of voters, whether such other person shall be then living or dead, or if the name of the said other person be the name of a fictitious person, every such person shall be guilty of a misdemeanor, and on being convicted thereof, shall be liable to a fine not exceeding two hundred dollars, or to be imprisoned for a term not exceeding six months, or both, at the discretion of the Court before whom he shall be convicted.

Deputy-Returning Officer *must* swear Voters in certain cases.

12. Whenever any Deputy-Returning Officer has reason to know or believe that frauds and violence are being practised in violation of the rights of Electors, by which undue votes are tendered, or that any voter is not qualified, or has already voted at the said Election and offers to vote again, or tenders his vote under a false name or designation, or personates or represents himself falsely as being on the List of Voters, it shall be the duty of such Deputy-Returning Officer, under penalty of Fifty Pounds currency, to administer the oath authorized by Law to such Voter, whether he be required so to do or not by any party, of which mention shall be made in the Poll Book.

Penalty for not doing so.

All Taverns, &c., to be strictly closed during the polling days.

13. Every hotel, tavern, and shop in which spirituous or fermented liquors or drinks are ordinarily sold, shall be closed during the two days appointed for polling in the wards or municipalities in which the polls are held, in the same manner as it should be on Sunday during Divine Service, and no spirituous or fermented liquors or drinks shall be sold or given during the said period, under a penalty of twenty-five pounds against the keeper thereof if he neglects to close it, and under a like penalty if he sells or gives any spirituous or fermented liquors or drinks as aforesaid.

Deputy-Returning Officer to certify each page of the Poll Book.

14. It shall be the duty of each Deputy-Returning Officer to write in full at the head of each page of the Poll Book used by him, the number of such page, and to certify the same by his signature as follows: "Page Number one, (*or* Two, *or as the case may be*) A. B., Deputy-Returning Officer," and to certify in full words at the foot thereof, (before entering or causing to be entered any name or vote in the next succeeding page) the first and last name and the total number of names entered thereon and then to sign the same, which certificate shall be to the effect following: "I certify that the total number of names "entered on this page as of voters is , whereof the "first name is C. D., and the last name is E. F.—Signed, A. "B., Deputy-Returning Officer;" and also, at the close of each day's polling, to certify under his signature on the said Book, and in full words, the true state of the votes at such close to the effect following: "I certify that the number of the votes polled at "the

And the state of the Poll after each day's polling.

"the close of the first (*or* second, *as the case may be*) day's poll-"ing is (*the total number of votes polled*) , whereof "G. H. a Candidate has polled ; J. K. a Candidate has "polled ; L. M. a Candidate has polled (*as the* "*case may be*).—Signed, A. B., Deputy-Returning Officer;" of which state of the votes he shall give certified copies to any person demanding the same before he, the said Deputy-Returning Officer, leaves the polling place for that day.

And furnish copies on demand.

15. Every Poll Clerk shall, after the closing of the *Poll* at which he shall have acted as such, but before the Deputy-Returning Officer who shall have kept the same shall have returned the Poll Book to the Returning Officer, as herein required, make and subscribe, either before a Justice of the Peace for the county or district in which he resides, or before the said Deputy-Returning Officer, or before the Returning Officer himself, the oath in the form A of the schedule hereunto annexed, which oath shall thereafter be annexed to the said Poll Book; and the Deputy-Returning Officer who shall have kept and closed the poll shall, before returning the Poll Book as aforesaid to the Returning Officer, make and subscribe, either before a Justice of the Peace for the county or district where he resides, or before the said Returning Officer, the oath in the form B of the said schedule, which oath shall thereafter be annexed to the said Poll Book; and the Deputy-Returning Officer shall then return the Poll Book to the Returning Officer on or before the day fixed for closing the election; and any Deputy-Returning Officer or Poll Clerk who shall refuse or neglect to perform any of the obligations or formalities required of him by this section, shall, for each such refusal or neglect, incur the penalty hereinafter mentioned, that is to say: any Deputy-Returning Officer, a penalty of fifty pounds currency, and any Poll Clerk, a penalty of twenty pounds currency.

Oath to be made by each Poll Clerk before the Poll Book is returned.

Oath to be made by the Deputy Returning Officer.

Poll Book to be then returned.

Penalties for neglect, &c.

16. It shall be the duty of the Deputy-Returning Officer to deliver the said Poll Book personally to the Returning Officer; and in case he is unable to do so by sickness or otherwise, he shall deliver such Poll Book under a sealed cover to a person chosen by him, and shall mention on the outside of such cover the name of the person to whom it has been delivered under a sealed cover to be so transmitted, and shall take a proper receipt therefor; and any Deputy-Returning Officer failing therein, or in any of the obligations or formalities herein prescribed as to the duties of Deputy-Returning Officers, and any person having taken charge of the Poll Book and failing to deliver the same so covered and sealed in the same state in which he received it, in due time and manner, shall be guilty of a misdemeanor, and shall incur a penalty of one hundred pounds currency, or be imprisoned for a term of not less than six months and not more than one year, or be punished by imprisonment and fine together.

Poll Book to be delivered by Deputy in person, unless in case of sickness, &c.

Penalty for neglect.

Persons stealing or unlawfully taking, or falsifying documents relating to Elections, &c.

17. If any person shall steal, or unlawfully or maliciously, either by violence or stealth, take from any Deputy-Returning Officer or Poll Clerk, or from any other person having the lawful custody thereof, or from its lawful place of deposit for the time being, or shall unlawfully or maliciously destroy, injure or obliterate, or cause to be wilfully or maliciously destroyed, injured or obliterated, or make or cause to be made any erasure, addition of names or interlineation of names in, to, or upon, or shall aid, counsel or assist in so stealing, taking, destroying, injuring or obliterating, or in making any erasure, addition of names or interlineation of names in, to or upon, any list of voters or any Writ of Election, or any return to a Writ of Election, or any Indenture, Poll Book certificate, or affidavit, or any other document or paper, made, prepared or drawn out according to or for the purpose of meeting the requirements of this Act or any of them, every such offender shall be guilty of felony, and being convicted thereof, shall be liable at the discretion of the Court whose duty it shall be to pass the sentence of the law upon such offender, to be imprisoned at hard labour in the Provincial Penitentiary, for any term not exceeding seven years nor less than two years, or to be imprisoned in any other place of confinement for any term not exceeding two years, or to suffer such other punishment by fine or imprisonment or both as the Court shall award; and it shall not in any indictment for any such offence be necessary to allege that the article in respect of which the offence is committed is the property of any person, or that the same is of any value.

To be guilty of felony: and how punishable.

Certain averments not requisite in the indictment.

Copies of Lists of Voters used to be forwarded to Clerk of the Crown with the writ.

18. It shall be the duty of each Returning Officer to forward to the Clerk of the Crown in Chancery, with his return to the Writ of Election, copies of the lists of voters used at that election, duly certified as such by him.

Duty of Returning Officer believing any Election document to be altered, &c.

19. When the Returning Officer having received any Poll Book, or any document connected with the Election, has reason to believe that the same has been altered, injured or obliterated, or that additions have been made thereto, it shall be his duty to adjourn proceedings and to establish the true facts in the manner provided in case of the loss of any Poll Book, under the twenty-sixth section of the said Act passed in the twelfth year of Her Majesty's Reign.

False swearing, &c., to be perjury.

20. Every person taking any Oath or Affirmation under this Act, who shall wilfully swear or affirm falsely, shall be deemed guilty of perjury.

Abettors punishable as principals.

21. Every person who shall aid, abet, counsel, or procure the commission of any misdemeanor under this Act, shall be liable to be indicted and punished as a principal offender.

Commencement of Act.

Exception.

22. All the provisions of this Act shall come into force and effect immediately upon and after the passing thereof, except those provisions which relate to the Elective Franchise and the

the use and effect of the Lists of Voters, and such last mentioned provisions shall not apply to any Election for which the first Polling Day shall be before the first day of January, one thousand eight hundred and fifty-nine.

INTERPRETATION.

Interpretation clause.

23. Wherever the following words occur in any part of this Act as having reference to Lower Canada, they shall be interpreted as follows:

Assessment-Roll.

The words "Assessment-Roll" shall signify Assessment-Roll, Valuation-Roll, or any document containing a statement of the Valuation of property in any City, Town or other Municipality.

Assessor.

The word "Assessor" shall signify Assessor, Valuator or other person employed to make the valuation of property in any City or other Municipality.

Owner.

The word "Owner" shall signify proprietor, either in his own right or in the right of his wife, or as usufructuary (*usufruitier*) of a real estate in *fief*, in *censive*, in *franc-aleu*, or in free and common soccage.

FORM A

REFERRED TO IN THE FIFTEENTH SECTION OF THIS ACT.

Oath of the Poll Clerk after the closing of the Poll.

I, the undersigned, Poll Clerk for the Parish of (*or* for the Township of , *or* the Union of Townships of , *or* for the Ward, *or* for part of the Parish of , *or* for part of the Township of), in the County (Riding, City *or* Town) of do solemnly swear (*or if he be one of the persons permitted by law to affirm in civil cases*, do solemnly affirm) that the Poll Book kept in and for the said Parish of (*or as above, as the case may require*,) under the direction of A. B., who has acted as Deputy-Returning Officer therein, has been so kept by me under his direction as aforesaid, correctly and to the best of my skill and judgment: and that the total number of voters polled in such Poll Book is the number of whereof C. D. a Candidate has polled votes, E. F. a Candidate has polled votes (*and so on, as the case may be*) and that to the best of my knowledge and belief it contains a true and exact record of the votes given at the Polling Place in the said parish of , (*or as above, as the case may be*) as the said votes were taken at the said Poll by the said Deputy-Returning Officer.

(Signature) J. J.
Poll Clerk.

Sworn

Sworn (*or* affirmed) and subscribed before me, at this day of the month of , in the year

(Signature) X. Y.
Justice of the Peace.
or
T. V.
Returning Officer.
or
A. B.
Deputy-Returning Officer.

FORM B

Referred to in the fifteenth section of this Act.

I, the undersigned, Deputy-Returning Officer, (*or* one of the Deputy-Returning Officers, *as the case may be*) for the Parish of (*or* for the Township of , *or* for the Ward, *or* for part of the Parish of , *or* for part of the Township of), in the County (Riding, City *or* Town) of , do solemnly swear, (*or if he be one of the persons permitted by Law to affirm in civil cases*, do solemnly affirm), that to the best of my knowledge and belief the Poll Book kept for the said Parish of , (*or as aforesaid, as the case may be*) under my direction, hath been kept so correctly: and that the total number of votes polled in such Poll Book is the number of , whereof C. D. a Candidate has polled votes, E. F. a Candidate has polled votes, (*and so on as the case may be*), and that to the best of my knowledge and belief it contains a true and exact record of the votes given at the Polling Place in the said Parish of , (*or as above, as the case may be*), as the said votes were taken at the said Polling Place.

(Signature) A. B.,
Deputy-Returning Officer.

Sworn (*or* affirmed) and subscribed before me, at , the day of the month of , in the year

(Signature) X. Y.
Justice of the Peace.
or
T. V.
Returning Officer.
or
A. B.
Deputy-Returning Officer.

CAP.

CAP. LXXXIII.

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government for the year 1858, and for certain other expenses connected with the public service, and also for raising a Loan on the credit of the Consolidated Revenue Fund.

[*Assented to 16th August*, 1858.]

MOST GRACIOUS SOVEREIGN:

Preamble. WHEREAS by Messages from His Excellency Sir Edmund Walker Head, Governor General of British North America, and Captain General and Governor in Chief in and over this Province of Canada, and the Estimates accompanying the same, laid before both Houses of the Provincial Parliament, it appears that the sums hereinafter mentioned are required to defray certain expenses of the Civil Government of this Province and of the Public Service thereof, for the year one thousand eight hundred and fifty-eight: May it therefore please Your Majesty that it be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, that,—

$2,283,073.51cts. appropriated for purposes mentioned in the Schedule. 1. From and out of the Consolidated Revenue Fund of this Province, there shall be and may be paid and applied a sum not exceeding in the whole the sum of two million, two hundred and eighty-three thousand, and seventy-three dollars, fifty-one cents, for defraying the several charges and expenses of the Civil Government and Public Service of this Province for the year one thousand eight hundred and fifty-eight, and other purposes set forth in the Schedule to this Act.

$1,000,000 may be raised by loan. 2. It shall be lawful for the Governor in Council to authorize the raising by way of loan, on the credit of the Consolidated Revenue Fund of this Province, of a sum not exceeding one million dollars, to be placed to the credit of the said Consolidated Revenue Fund by this Act, for the Public Service.

Governor in Council may sell provincial stock or issue debentures for $1,000,000. 3. For the purpose of raising such sum as aforesaid, it shall be lawful for the Governor in Council to authorize the sale of Provincial Stock, or the issuing of Debentures or both, to an amount not exceeding in the whole the sum last aforesaid; and any Debentures so to be issued may be in such form, for such separate sums, at such rate of interest not exceeding six per centum per annum, and the principal and interest thereon may be made payable at such periods and at such places, as to the Governor in Council shall seem most expedient, the said principal and interest being hereby made chargeable upon the said Consolidated Revenue Fund of this Province.

4.

Appropriation for Agricultural Instruction.

4. Out of the sums appropriated for Agricultural Societies in Upper and Lower Canada respectively, from Provincial Funds, two and one half per cent. thereof shall be applied under the authority of the Governor in Council, towards the promotion of Agricultural instruction and information.

Accounts to be rendered to Parliament;

5. Accounts in detail of all moneys received and paid under this Act, and of the Debentures issued and the interest thereon, and of the redemption of the whole or any part of such Debentures, and of all expenses attending the collection and payment of the sums of money collected, received or paid under the authority of this Act, shall be laid before both Houses of the Legislature of this Province at each Session thereof.

And to Her Majesty.

6. The due application of the moneys raised and expended under the authority of this Act, shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury, in such manner and form as Her Majesty, Her Heirs and Successors shall be pleased to direct.

SCHEDULE.

SUMS GRANTED TO HER MAJESTY BY THIS ACT, AND THE PURPOSES FOR WHICH THEY ARE GRANTED.

SERVICE.	Amount.		Amount.	
Adjutant General of Militia Department.	$	cts.	$	cts.
Salary of Six Clerks, $1,660, $1,100; three at $1,000; one at $750; one Messenger, at $500	6950	00		
do of two Inspecting Field Officers of Volunteer Militia, Upper and Lower Canada, for 1858, at $1,600 each	3200	00		
do of the Provincial Aid-de-Camp, for do	1600	00		
do eight Store-keepers of Armories, at $300 each, for do	2400	00		
do nineteen Assistant Adjutant Generals, at $120 each, for do	2280	00		
Maintenance of sixteen Troops of Cavalry, each ten days' Drill, for do	17664	00		
do seven Field Batteries of Artillery, each fifteen days' Drill, for do	15319	00		
do five Companies of Foot Artillery, for do	2115	00		
do ten Companies of Riflemen, fifty men, ten days' Drill each $ 5640 00				
do twenty-eight do. do., seventy do. do. 21392.00				
do twelve do. do., eighty-two do. 10608.00				
	37640	00		

SCHEDULE—*Continued.*

SCHEDULE—*Continued.*

SERVICE.	Amount.		Amount.	
Adjutant Genl. of Militia Department—(Continued.)	$	cts.	$	cts.
Contingent Expenses for Postages, Stationery, Printing, Repairs of Accoutrements, Transport of Arms, Travelling Expenses of Inspecting Field Officers, and all other Incidental Expenses attending the Active Force, for the year ending 31st December, 1858	8000	00		
Care of Arms, Rent of Armories, Gun Sheds and Magazines, and Pay of Storemen and Caretakers of Armories of the Active Force	5000	00		
Fuel for Established Armories and Harness Rooms throughout the Province during Winter	800	00		
			102968	00
Legislative Council.				
Salary of the Speaker	3200	00		
do of the Clerk	2000	00		
do of the Assistant Clerk and French Translator	1600	00		
do of the Law Clerk	1000	00		
do of the Chaplain and Librarian	800	00		
do of the Gentleman Usher of the Black Rod	400	00		
do of the Serjeant-at-Arms	400	00		
do of the Head Messenger	400	00		
do of the Door Keeper	240	00		
do of Three Messengers for the Session, at $180 each	540	00		
Contingent Expenses	33800	00		
Indemnity to the Members for their attendance at $4 per diem, including travelling at 10 cts. per mile, for the distance between the place of residence of such Member, and the place at which the Session is held	39200	00		
			83580	00
Legislative Assembly.				
Salary of the Speaker	3200	00		
do of the Clerk	2000	00		
do of the Assistant Clerk	1600	00		
do of the Law Clerk and English Translator	2000	00		
do of the Clerk of the Crown in Chancery	600	00		
Contingencies of do do	400	00		
Salary of the Serjeant-at-Arms	400	00		
Contingent Expenses (exclusive of Indemnity to Members)	230000	00		
			240200	00

SCHEDULE—*Continued.*

SCHEDULE—*Continued.*

SERVICE.	Amount.		Amount.	
	$	cts.	$	cts.
Salaries and portions of Salaries of Deputies, Clerks and Messengers, in the Public Departments, not paid out of the Civil List.				
Additional Salaries in the Governor General's Secretary's Office	201	00		
do Provincial Secretary's Office	6876	40		
do Provincial Registrar's Office	3650	00		
do Receiver General's Office	8629	00		
do Inspector General's Office	9018	87		
do Customs Branch	6480	00		
do Auditor Public Accounts	7400	00		
do Executive Council Office	4155	00		
do Department of Public Works	15073	00		
do Bureau of Agriculture	9010	00		
			70493	27
Pensions to Officers and Servants of the Legislative Bodies of Upper and Lower Canada.				
William Ginger, as late Serjeant-at-Arms to the Legislative Council, Lower Canada	266	66		
Samuel Waller, as Clerk of Committees, to do	400	00		
William Coates, as Writing Clerk to do., Upper Canada	533	34		
John Bright, as Messenger of Legislative Council of do.	80	00		
Louis Gagné, do do., Legislative Assembly, Lower Canada	72	00		
			1353	00
Other Pensions.				
Jacques Brien, for wounds received in the Public Service	80	00		
Pierre Bouchard do do	160	00		
Mrs. Widow Antrobus	600	00		
Mrs. Catherine Smith, as Widow of the late Mr. Justice Pyke	400	00		
Widow McCormick	400	00		
G. B. Faribault, as late Assistant Clerk of the Legislative Assembly	1600	00		
			3380	00
Hospitals and other Charities.				
Aid to the Toronto Hospital	3000	00		
do do do for (County Patients,)	6000	00		
do Indigent Sick at Quebec,—and				
do do Montreal,—2 at $4,000	8000	00		
do Corporation of General Hospital at Montreal	5000	00		
do Emigrant and Marine Hospital, Quebec,—and				
do Kingston General Hospital,—2 at $6000	12000	00		
do Hamilton Hospital	3200	00		

SCHEDULE—*Continued.*

SCHEDULE—*Continued.*

SERVICE.	Amount.		Amount.	
	$	cts.	$	cts.
Hospitals and other Charities—(Continued.)				
Aid to Relief of Indigent Sick at Kingston.....	3000	00		
do Indigent Sick at Three-Rivers,—and do Toronto House of Industry,—2 at $2,800	5600	00		
do St. Patrick's Hospital, Montreal.....	2000	00		
do Les Sœurs de la Providence, at Montreal,—and do London Hospital,—2 at $1,400	2800	00		
do General Hospital des Sœurs de la Charité, at Montreal,—and do Kingston Hôtel-Dieu Hospital, 2 at $1,000.....	2000	00		
do Protestant Orphans' Home and Female Aid Society, at Toronto, do Roman Catholic Orphan Asylum, at Toronto, do Kingston Orphan Asylum, do Hamilton Orphan Asylum, do do Roman Catholic do., do Protestant Hospital at Bytown, do Roman Catholic do do., do Montreal St. Patrick's Roman Catholic Orphan Asylum,—8 at $800	6400	00		
do Montreal Protestant Orphan Asylum, do Montreal House of Refuge, do University Lying-in Hospital at Montreal, do do under the care of Sœurs de la Miséricorde, do Lying-in Hospital at Toronto, do Asylum of the Good Shepherd, at Quebec, do Hospice de la Maternité, at Quebec, do Deaf and Dumb Institution, Montreal,—8 at $600.....	4800	00		
do Ladies' Benevolent Society, Montreal, for Widows and Orphans, do Roman Catholic Orphan Asylum, Quebec, do Male Orphan Asylum, Quebec, do Charitable Association of the Ladies of the Roman Catholic Asylum, at Montreal, do Managers, Protestant Female Orphan Asylum, Quebec, do Eye and Ear Institution, Montreal, do Montreal Dispensary, do Montreal Home and School of Industry, do Public Nursery for Children of the Poor,—9 at $400.....	3600	00		

SCHEDULE—*Continued.*

SERVICE.	Amount.		Amount.	
	$	cts.	$	cts.
Hospitals and other Charities—(Continued.)				
Aid to Canada Military Asylum for Widows and Orphans, Quebec	200	00		
do towards support of Lunatic Asylum, at Toronto,				
do do do temporary do at Beauport, near Quebec,—2 at $56,000	112000	00		
			184600	00
Various Public Institutions.				
Aid to the Medical Faculty, McGill College,				
do School of Medicine, Montreal,				
do do Kingston,				
do do Victoria College, Toronto,				
do Canadian Institute, at Toronto, —5 at $1000	5000	00		
do do City of Ottawa,				
do Athenæum, Ottawa, —2 at $400	800	00		
Literary Associations and Mechanics' Institutes now organized, who have complied with the requirements of the Law	20000	00		
			25800	00
Contingent Expenses of the Administration of Justice.				
In Upper and Lower Canada, not otherwise provided for	180000	00		
For support of Provincial Penitentiary at Kingston	52400	00		
Additional Salary to John Black, Clerk in Registrar's Office, Court of Chancery	300	00		
do do William Stanley, do. Master's Office, do	300	00		
Salary of a Clerk of Process, Courts of Queen's Bench and Common Pleas, U. C	1400	00		
do of the Extra Clerk, Attorney General's West Office	400	00		
do Clerk in the Office of the Clerk of the Crown and Pleas, U. C	600	00		
do Clerk of Assize, Toronto	1200	00		
Additional Salary to Permanent Clerk, Crown Law Department	560	00		
do do to Judge Vice Admiralty Court, Quebec	1111	14		
			238271	14
Miscellaneous Items.				
Allowance to keepers of Depots of Provisions on the River St. Lawrence for the relief of Shipwrecked persons	800	00		
For providing provisions for such Depots	1400	00		

SCHEDULE—*Continued.*

SERVICE.	Amount.		Amount.	
Miscellaneous Items—(Continued.)	$	cts.	$	cts.
Allowance to Pierre Brochu for residing on Kempt Road, to assist Travellers thereon, do Jonathan Noble for the same purpose, do to a resident at the foot of the Metapedia for do. do to do. at Assametquagan, for do, —4 at $100...	400	00		
For the expense of Printing and Binding the Laws...	24000	00		
For other Printing and Subscription to, and Advertising in, the Official Gazette.....	10000	00		
For expense of distributing the Laws.....	3400	00		
To meet unforeseen expenses in the various branches of the Public Service.....	6000	00		
Proportion of the expenses of keeping up Light-Houses on Isles of St. Paul and Scatterie, in the Gulf...	3000	00		
To defray the expenses of the Quebec Observatory....	2400	00		
do do of the Toronto do	4800	00		
New Indian Annuities.....	4400	00		
Expenses of protecting the Fisheries in the Gulf.....	7800	00		
For the maintenance of the Rideau and Ottawa Canal, from 1st April, 1858, to 31st March, 1859.....	32000	00		
One Year's Rent of the Protestant Burial Ground in St. John Suburb, Quebec.....	93	00		
Aid to the Board of Agriculture, Upper Canada	4000	00		
do do Lower Canada.....	4000	00		
To make good various Incidental Expenses of the Civil Government, incurred during the year 1857, as detailed in Statement A, of the Public Accounts, laid before the Legislature.....	257779	50		
To make good certain payments made under resolution of the Legislature, as per Statement B.....	70126	60		
Aid to Parliamentary Grant, under 14 & 15 Vic. Cap. 106, to Indians, Lower Canada.....	400	00		
Expenses for the Services of 150 of the Embodied Pensioners, on permanent duty in Upper Canada, for 1858.....	17600	00		
Compensation to Pensioners in lieu of Land.....	8000	00		
Aid towards Emigration Expenses for the present year.	12000	00		
Amount required to meet the deficiency of Expenses of Water Police, Quebec, for the present year..	3000	00		
For the Expenses of the River Police of Montreal, for 1858, $9,000; of which to be borne by the Harbour Commissioners, $3,700.—Balance required.	5300	00		
For Tug Service between Montreal and Kingston.....	24000	00		
For do below Quebec.....	54000	00		
Aid to Louis Vincent, an infirm Indian Schoolmaster, Huron Tribe.....	100	00		
do to Board of Arts and Manufactures for Upper and Lower Canada, $500 each.....	1000	00		
			561799	10

SCHEDULE—*Continued.*

SERVICE.	Amount.		Amount.	
	$	cts.	$	cts.
Education.				
Aid towards Superior Education Income Fund, Lower Canada	20000	00		
do do Upper Canada	20000	00	40000	00
Distributed as follows in Upper Canada :—				
	$	cts.		
Aid to Upper Canada College	4444	42		
do Victoria College	3000	00		
do Queen's College	3000	00		
do Regiopolis College, Kingston	3000	00		
do Grammar School Fund, Upper Canada	2355	58		
do St. Michael's College, Toronto	2000	00		
do Belleville Methodist College	800	00		
do Bytown College	1400	00		
	$20,000	00		
Additional Sum for Common Schools, Upper and Lower Canada			160000	00
[$4,000 of which out of the Lower Canada share, for Normal Schools.]				
Total Currency			1712443	51
Public Works Department.				
1. Welland Canal—towards continuing the deepening and enlarging of the summit level to suit that of Lake Erie, that the canal may be supplied from that source—the supply from the Grand River proving insufficient	50000	00		
2. Completion of Light-Houses lately erected on Lake Huron, transatlantic freight and other carriage of the several lanterns, lighting apparatus and other machinery—erection and fixing of do.	13000	00		
3. Erecting accommodation on the caisson of Pointe Pelée Reef, for the Light-keepers, provisions, Light-House supplies, and for the completion of the permanent stone structure—of this amount $6,000 to be expended this year	30500	00		

SCHEDULE—*Continued.*

SERVICE.	Amount.		Amount.	
Public Works Department—(Continued.)	$	cts.	$	cts.
4. Improvement of Back Waters, Newcastle District—certain amendments in Scugog River—dredging off short curves, chopping, clearing and grubbing in channel through drowned lands, materials and erection of new stone Lock at Lindsay, to be expended this year, $14,285.....	50489	00		
5. Building of permanent Light House at Burlington Bay Canal, and reconstruction of piers.....	25645	00		
Public Buildings, repairs, maintenance and rents of.....	30000	00		
7. Addition to complete Custom House, Hamilton...	6951	00		
8. " " Post Office, London.....	16553	00		
9. " " Custom House and Post Office, Kingston.....	12000	00		
10. Completion of the Quebec Custom House, to be expended this year, $20,000.....	100000	00		
11. On Survey of Ottawa.....	20000	00		
12. Continuation of Gaspé Road from North side of Gaspé Bay.....	6000	00		
13. Continuation of Metapediac Road.....	6000	00		
14. Continuation of Matane and Cap Chat Road.....	6000	00		
15. Completion of Slides and Dams on the Saguenay, commenced under estimate laid before the Legislature last Session.....	14060	00		
16. Opening and improving remaining portion of the Post Road from Malbaie to Grande Baie, to admit of the Mail being transported on horseback.....	2000	00		
17. Extension of Main North Shore Road below Tadousac, to meet the portion opened from the eastward.....	2000	00		
18. Towards completion of the Temiscouata Road....	30000	00		
19. Completion of the Dredging of the Steamboat Channel, opened at the narrows of Lake Simcoe.	2000	00		
20. Ordnance Canals—Repairs of serious breach at Long Island—Building of Dams, &c.....	12000	00		
21. Pier at Anicet.....	2000	00		
22. Survey of Yamaska River.....	1000	00		

SCHEDULE—*Continued.*

SCHEDULE—*Continued.*

SERVICE.	Amount.		Amount.	
Supplementary Estimate.	$	cts.	$	cts.
23. Postal extension to Lake Superior and Red River, also down the Gulf of St. Lawrence, and to Pictou, in connexion with New Brunswick, $10,000 each	20000	00		
24. Board of Arts and Manufactures	3000	00		
25. St. Hyacinth Hospital, and Destitute Irish Society, at Quebec, $400 each	800	00		
26. For publication of Tracts, &c., to encourage emigration	2500	00		
27. Prizes for Essays on diseases of the Wheat	320	00		
28. For publication of same in English and French	2772	00		
29. For binding 219 volumes of English Patents and Specifications	1040	00		
30. Colonization Fund	100000	00		
31. Appropriation for Parliamentary Library	2000	00		
			570630	00
Total			2283073	51

CAP. LXXXIV.

An Act to make more advantageous provision for the redemption of Provincial Debentures and the Consolidation of the Public Debt, and for other purposes.

[*Assented to 16th August*, 1858.]

Preamble.

12 V. c. 5, recited.

WHEREAS by the Act of the Parliament of this Province, passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act for the better management of the Public Debt, Accounts and Revenue*, it is amongst other things in effect enacted, That it shall be lawful for the Governor in Council from time to time, and as the interests of the public service may require, to redeem or to purchase on account of the Province, all or any of the then outstanding Debentures constituting the Public Debt of this Province, or of either of the late Provinces of Lower or Upper Canada, or all or any of the Debentures issued by Commissioners or other Public Officers, under the authority of the Legislatures of either of the late Provinces of Lower or Upper Canada, or of the Legislature of Canada, the interest

interest or principal of which Debentures is made a charge on the Consolidated Revenue Fund of this Province, and to issue new Debentures to an amount not exceeding that of the Debentures so redeemed or purchased,—or it shall be lawful for the said Governor in Council to arrange with the holders of any such Debentures as are hereinbefore described to accept in lieu thereof new Debentures which the said Governor in Council is authorized to cause to be issued, and the principal and interest whereof shall be respectively payable out of the Consolidated Revenue Fund of this Province at such times as the said Governor in Council may direct,—and that all Debentures authorized by the said Act may be made payable in sterling money of Great Britain or in the currency of this Province, and may be made payable, as may also the interest thereon, at such place either within or without this Province as the Governor in Council may direct, and the interest on such Debentures may be fixed at such rate, not exceeding the then legal rate, as the Governor in Council may direct; And it is further provided, that nothing in the said Act shall be construed to authorize the Governor in Council to increase the aggregate amount of the Public Debt of the Province without the authority of the Provincial Parliament; but that this shall not be construed to prevent the issue of Debentures as aforesaid for the purpose of applying the proceeds thereof to the purchase or redemption of other Debentures; And whereas it may be found more advantageous for the Province to redeem or purchase such outstanding Debentures as in the said Act are mentioned, by the issue of Provincial Stock as hereinafter provided, or to arrange with the holders of such Debentures to accept such Provincial Stock in lieu thereof: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Governor in Council may create a permanent provincial four and a half per cent. Stock.

1. It shall be lawful for the Governor in Council to create a Permanent Provincial Stock which shall be known as the Canadian Consolidated Stock, and shall be personal property, and shall bear interest at the rate of four and a half per cent. per annum, payable half yearly on the first day of January and the first day of July, and which, and the interest thereon, shall be chargeable upon and payable out of the Consolidated Revenue Fund of this Province; and the said Stock shall not be paid off before the first day of January, in the year of our Lord, one thousand eight hundred and ninety, but may be paid off on or after that day at the option of the Provincial Government, provided one year's previous notice to that effect shall have been given in the *London Gazette* in England under an Order of the Governor in Council, authorizing such notice: And the said Stock shall be in sterling money of Great Britain, and shall be managed and the interest thereon paid in the City of London in England, by the Fiscal Agent or Agents of the Province, and shall be transferable there by such Agent or Agents, in such sums, in such manner and under such regulations as to the management

To be in sterling money and managed in England under regulations of the Governor in Council.

management and transfer thereof as shall be from time to time made in that behalf by the Governor in Council.

Inspector General may be empowered to sell such stock and apply the proceeds to the redemption of outstanding Provincial Debentures.

2. It shall be lawful for the Governor in Council to authorize the Inspector General from time to time to dispose of the said Stock and to apply the proceeds to the purchase or redemption of any outstanding debentures for the purchase or redemption of which New Debentures might be issued under the enactments cited in the Preamble of this Act, or to arrange with the holders of such outstanding debentures to accept in lieu thereof such amount of the said Stock as may be agreed upon; and any sum then accrued for interest on such Stock shall be reckoned as part of the amount thereof, except in so far as it may be compensated by interest then due on such outstanding Debentures, any excess of interest on which then accrued shall be paid.

Act 16 V. c. 22, recited.

3. And whereas by the Act of the Parliament of this Province, passed in the sixteenth year of Her Majesty's Reign, and intituled, *An Act to establish a Consolidated Municipal Loan Fund for Upper Canada*, and the Acts amending the same and extending it to Lower Canada,—after reciting that it would greatly facilitate the borrowing upon advantageous terms of such sums as may be required by any County, City, Town, Township or Village Municipality, for effecting or aiding in effecting important works calculated to benefit such County, City, Town, Township or Village, that such sums should be raised by Debentures issued upon the credit of a Consolidated Municipal Loan Fund under the management of the Provincial Government, instead of being raised on the separate credit of each individual Municipality,—it is in effect enacted, that there shall be such Consolidated Municipal Loan Fund, to consist of all moneys which under the said Act or any other Act shall be directed to form part of the said Fund; and that such Fund shall be managed by the Receiver General, under the directions of the Governor in Council, and that the books and accounts thereof shall be kept in his office;—and further, that such Municipalities as aforesaid, may, in the manner and on the conditions provided by the said Act, borrow money on the credit of the said Fund, for the purposes in the said Acts mentioned,—and further, that it shall be lawful for the Receiver General to issue Debentures secured upon the said Fund, and to raise money upon them, and pay over such money to the Municipalities desirous of borrowing money upon the credit of the said Fund or to deliver such Debentures to the Treasurers of such Municipalities respectively, which Municipalities shall thereafter raise and pay over to the Receiver General the sums necessary to pay the principal and interest of such Debentures in the manner set forth in the said Acts;—and further, that the said Debentures shall express upon their face that the Provincial Government undertakes to pay the principal sum mentioned therein, and the interest thereon, out of the moneys forming

forming part of the said Consolidated Municipal Loan Fund, and out of no other money or Funds whatsoever;—And whereas many Debentures (known as Municipal Loan Fund Debentures) have been issued by the Receiver General under the said Acts and are now outstanding, but their market value has been lowered and their negotiation rendered less easy by the terms and provisions of the Acts aforesaid,—it is therefore enacted, That it shall be lawful for the Governor in Council to authorize the Inspector General, from time to time, to sell Stock created under this Act, and with the proceeds thereof, to purchase Municipal Loan Fund Debentures issued or to be issued under the authority of the above recited Acts, such purchase to be made by tender under such conditions as may be determined by the Governor in Council, and of which due notice shall be given in the *Canada Gazette:* Provided that no such purchase shall in any way lessen or impair the obligation of any Municipality to pay the principal and interest of any Debt incurred under the said Acts, and the contribution to the Sinking Fund, constituted by the said Acts, to the Receiver General at the times and in the manner therein prescribed, or shall impair or affect any remedy given by the said Act or any Acts amending it for enforcing such payment.

Municipal Loan Fund Debentures may be exchanged for Stock by public tender.

Proviso: Liability of Municipalities not to be affected.

CAP. LXXXV.

An Act to amend the Laws of this Province regulating the Rate of Interest.

[*Assented to 16th August*, 1858.]

Preamble.

WHEREAS it is expedient to amend the laws relating to Interest of Money, and for that purpose to repeal the third section of the Act of the Parliament of this Province, passed in the sixteenth year of Her Majesty's Reign, and intituled, *An Act to modify the Usury Laws*, as to future contracts: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

16 V. c. 80.

Section 3 of the said Act repealed. Exception.

1. From and after the passing of this Act, the third section of the Act mentioned in the preamble of this Act shall be, and the same is hereby repealed, except only as to contracts made after it came into force and before the passing of this Act, as to which it shall remain in force.

Private parties may agree for and recover any rate of interest.

2. It shall be lawful for any person or persons, other than those excepted in this Act to stipulate for, allow and exact, on any contract or agreement whatsoever, any rate of interest or discount which may be agreed upon.

Banks not to take more

3. It shall not be lawful for any Bank incorporated by any Act of the Legislature of this Province, or of the late Provinces

than 7 per cent. per annum.

of Upper or Lower Canada respectively, or by Royal Charter, nor for any Bank established or to be established under the provisions of the Act of the Legislature of this Province, passed in the Session thereof, held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, *An Act to establish freedom of Banking in this Province, and for other purposes relative to Banks and Banking*, to stipulate for, take, reserve or exact a higher rate of discount or interest than seven per centum per annum: and any rate of interest not exceeding seven per centum per annum may be received and taken in advance by any such Bank; and it shall be lawful for any such Bank to allow and pay any rate of interest whatsoever upon moneys deposited in such Bank.

13 & 14 V. c. 21.

7 per cent. may be taken in advance by Banks.

Notwithstanding 19, 20 V. c. 48, Banks to take no more than certain rates of premium on paper discounted elsewhere than where it is payable.

4. Notwithstanding any thing to the contrary in the Act passed in the Session held in the nineteenth and twentieth years of Her Majesty's Reign, chapter forty-eight, intituled, *An Act for enabling all the Chartered Banks in this Province to enjoy a certain privilege therein mentioned*, or in any other Act or Law, it shall not be lawful for any Bank or Banking Institution, carrying on business as such in this Province, in discounting at any of its places or seats of business, branches, agencies or offices of discount and deposit any note, bill or other negotiable security or paper payable at any other of its own places or seats of business, branches, agencies or offices of discount and deposit within this Province, to receive or retain in addition to the discount any amount exceeding the following rates per centum, according to the time it has to run, on the amount of such note, bill or other negotiable security or paper, to defray the expenses attending the collection of such bill, note or other negotiable security or paper, that is to say, under thirty days, one-eighth of one per cent., thirty days and over but under sixty days, one-fourth of one per cent., sixty days and over but under ninety days, three-eighths of one per cent., ninety days and over, one-half of one per cent.

6 per cent. to be the rate where noother is agreedupon.

5. Six per cent. per annum shall continue to be the rate of interest in all cases where, by the agreement of the parties or by law, interest is payable, and no rate has been fixed by the parties or by the law.

Act not to apply to corporations, &c.

6. Nothing in this Act shall be construed to apply to any Corporation, or Company, or Association of persons, not being a Bank, heretofore authorized by law to lend or borrow money.

CAP. LXXXVI.

The Fishery Act.

[*Assented to 16th August*, 1858.]

Preamble.

WHEREAS it is expedient to make better provision for the preservation and regulation of the fisheries of this Province:

Province: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Acts and parts of Acts repealed.

1. The Act eighteenth Victoria chapter one hundred and forty-four,—the Act twentieth Victoria chapter twenty-one, and the fourth section of the Act of the Legislature of Upper Canada, third William the Fourth, chapter twenty-nine, are hereby repealed.

Acts repealed not to revive.

2. No provision of law repealed by any Act cited in the next preceding Section shall revive by the repeal of the said Laws.

Repeal not to affect penalties incurred, &c.

3. Notwithstanding the repeal of the Acts enumerated in Section one, every penalty incurred shall remain recoverable; and every legal proceeding commenced may be continued as if the said Acts were not repealed.

PROTECTION OF FISHERIES.

Governor in Council may grant fishing licenses and leases, &c.

Regulations.

4. The Governor in Council may grant special fishing leases and licenses on lands belonging to the Crown, for any term not exceeding nine years, and may make all and every such regulation or regulations as may be found necessary or expedient for the better management and regulation of the Fisheries of the Province.

Appointment and duties of Superintendents of Fisheries;

5. The Governor may, as occasion shall require, appoint two Superintendents of Fisheries, one for Upper and one for Lower Canada, whose powers and duties shall be defined by this Act and the regulations to be made under it; but any appointment made under the fourth section of the Act twentieth Victoria chapter twenty-one, shall remain valid as if made under this Act.

And of Overseers of Fisheries.

Four Overseers may be appointed by the Commissioner of Crown Lands, in such places, and in such divisions of territory, as may be considered necessary, to perform such duties under this Act, and the regulations to be made under it, as may be required by the Commissioner of Crown Lands, and the salary of such Overseers shall not exceed one hundred pounds per annum.

Rights of Fishermen.

6. All subjects of Her Majesty, but none other, may, for the purposes of trade and commerce—

Taking bait and fishing.

1. Take bait and fish in any of the harbours, roadsteads, bays, creeks or rivers of the Province;

Landing and curing fish.

2. Land anywhere on public property for the purpose of salting, curing and drying fish;

Cutting wood.

3. Cut wood there for the purpose of repairing stages, drying places, flakes, hurdles, cook-rooms and other purposes

purposes necessary or useful for preparing or dealing with fish;

Occupying beaches.

4. Take possession of any unoccupied portion of the beach which may be necessary for curing fish, and hold the same so long as the same shall not have been abandoned during twelve consecutive months;

Recovering value of stages, &c.

5. Any such subject having so occupied any such portion of the beach may, during the year next after he shall have been twelve months without occupying it, demand personally or by his Attorney the value of his flakes and stages and other property, of which a new occupant shall have taken possession; and

Carrying away improvements, &c.

6. Carry away his buildings and improvements, after the close of the fishing season, after having so demanded the value thereof, if he shall not have received the same from the new occupant.

Sect. 6 not to affect private property, &c.

7. But nothing contained in the sixth section shall affect private property or prevent the Crown from disposing or taking possession of any public land or beach so occupied for fishing purposes.

Waters may be set apart for propagation of fish.

8. The Governor in Council may cause to be set apart any river or other water for the natural or artificial propagation of Salmon, Trout, or other fish.

Fishing within the King's Posts.

9. The Governor in Council may grant permission to fish in the Rivers within the King's Posts.

Powers under sect. 50, to apply to U. C., as well as L. C.

10. The same powers that, by the fiftieth section of this Act, are vested in the Governor in Council, in relation to Lower Canada, shall and are hereby made to apply to the Upper Canada.

Throwing ballast, offal, &c., prohibited.

11. Whoever shall throw overboard ballast in any river, harbour or roadstead, where fishing is carried on, or the remains of offal of fish, in any such river, or within three miles of the coast of the mainland, or of any island, or on any fishing bank, shall incur a fine not exceeding twenty pounds, and the Master or Owner of such Vessel or Boat, from which such ballast or offal of fish shall have been thrown, shall be held liable for every such offence; Provided always that it shall be lawful for any person to bury such offal of fish on the mainland or any island at a distance of not less than an acre from the beach thereof.

Proviso.

Impeding fishing.

12. No one shall anchor near the shore in such a manner as to impede the throwing and hauling of seines, or the setting of standing nets.

13.

12. No one shall set standing nets in such a manner so to *impede* the throwing or the hauling of seines. The same.

14. No one shall set seines or nets in such a manner as to impede the navigation or anchorage in any bay, harbour or road-stead, or other place required for navigation. Impeding navigation.

15. Any person contravening any of the three next preceding sections, shall for each offence incur a fine not exceeding five pounds, and shall nevertheless remain liable for any damage which the party injured by such contravention may recover against him by Law. Penalty for contravening sects. 12, 13, 14.

16. Any person who shall for fishing purposes have placed in any river, or in the sea, near the shore, any stake or other timber whatever, shall, on pain of a fine not exceeding five pounds, remove the same within eight days from that on which it shall have been last used. Penalty for removing fishing stakes.

17. No one shall, between the first of May, and the first of November in any year, seize or attach any boat or vessel, tackle, net, seine or other fishing utensils, or any provisions belonging to any fisherman, or necessary for his subsistence, or his fishing operations, except for the recovery of penalties or fines imposed under this Act. Exemption of fishing tackle from seizure, &c. Exception.

18. Any person, who, having been engaged by any written agreement to fish on any conditions, or assist in any fishing, shall refuse to fulfill any such engagement, or shall abandon his employer's service, during the term of his engagement, shall thereby incur a fine not exceeding ten pounds, or imprisonment for not more than one month. Penalty for deserting fishing service.

19. Whoever shall engage or endeavour to engage any person then engaged as aforesaid in any way to fish, or assist in any fishery, shall thereby incur a penalty not exceeding ten pounds, or imprisonment for not more than one month. Or seducing away persons engaged therefrom.

20. Any person engaged to fish, or assist in any fishery, shall, for securing his wages, or share, have a first lien, preferable to that of any other creditor, upon the produce of his employer's fishery, and may recover the sum or share due to him before the nearest competent tribunal. Lien in favor of fishermen.

21. With a view to protect the Oyster Beds to be formed on the different parts of the Canadian bays and coasts, it shall not be lawful for any person to take Oysters, or in any way to injure or disturb such Oyster Beds, until permitted to do so, by an order from the Commissioner of Crown Lands, which order shall be published in the Official Gazette and in such other newspapers as the Commissioner may direct, under a penalty of not more than twenty-five pounds, nor less than Penalty for disturbing oyster beds, except at times permitted by order of the Commissioner of Crown Lands.

than ten pounds, together with the forfeiture of the vessel and all the apparatus employed therein.

Meshes of cod seines not to be under a certain size.

22. It shall not be lawful to use Mackerel, Herring, nor Caplin seines, for the taking of Codfish; and no Codfish seine shall be of a less sized mesh than three inches in extension in the arms, and two and a half inches in the bunt or bottom of the seine, under penalty, and on pain of the forfeiture of the seine.

Nets not to be used in Burlington Bay, &c.

23. It shall not be lawful to fish with any kind of net or seine in Burlington Bay nor Dundas Marsh.

Period for salmon fishing limited.

Exception as to fly-fishing.

24. It shall not be lawful to fish for, catch or kill salmon in any way whatever, between the first day of August and the first day of March in any year; Except only, that it shall be lawful to fish for salmon, with a rod and line, in the manner known as fly-surface-fishing, from the first of March to the first of September in any year, in Upper or Lower Canada.

Also killing at certain places.

25. It shall not be lawful to use any net, or to take salmon in any way whatever, at any salmon-leap, or where any artificial salmon pass shall have been constructed, nor in any pools or ponds where salmon are wont to spawn.

Main channel of Rivers not to be obstructed.

Penalty.

26. Whoever shall obstruct the main channel or course of any river, either by placing therein nets or fishing apparatus of any kind, or any obstacle of any kind whatever, for the purpose of taking salmon or any other species of fish, shall thereby incur for each offence, a fine not exceeding Five Pounds, and the forfeiture of his fishing apparatus; and in no case shall the said channel or course so left open be less than one third of the whole breadth of such river.

Fishways to be attached to dams.

Penalty.

27. The owner of any dam or slide where fish may ascend, shall, for the purpose of affording a passage to the fish, attach and maintain to each dam or slide, a fishway of such form and dimensions as shall be determined by the Superintendent of Fisheries, under a penalty of One Pound for each day on which he shall fail so to do after two months' notice by the Superintendent.

Penalty for taking salmon in contravention of sect. 24.

Penalty.

28. Any Salmon taken in contravention of the twenty-fourth section of this Act, shall subject all parties concerned in the breach of the said section, whether the actual transgressors or accessories, to a penalty of not more than ten pounds, nor less than five pounds, together with the forfeiture of the fish, canoe, boat or other vessel in which the fish may have been placed, or to imprisonment for a period of not more than six months, nor less than three months.

Size of meshes of salmon nets.

29. The meshes of any net used for the taking of Salmon, *shall* not be less than five inches in extension, knot to knot, under penalty and on pain of forfeiture of the nets.

No net to be less than two inches mesh.

30. It shall not be lawful to fish with any net or seine whatever, of a less sized mesh than one and a half inches on the square in any Lake, River or Bay, or in any of the waters of Upper Canada.

Period for killing trout;

31. It shall not be lawful to fish for, catch or kill any kind of trout in any way whatever, between the twentieth of October and the first of February in any year, in Lower Canada.

And for killing speckled trout. Not to be taken with nets in U. C;

32. It shall not be lawful to kill any kind of speckled trout, in any way whatever between the twentieth of October and the first of April in any year; nor shall any Speckled Trout be killed at any time by means of nets or seines in any Inland Lake, River nor Stream in Upper Canada.

Nor in L. C., at certain places.

33. It shall not be lawful to catch trout, by means of nets or seines, in any lake or river, or at the outlet or inlet of any lake, or in any river except the River St. Lawrence, in Lower Canada.

Time for killing salmon-trout, &c.

34. It shall not be lawful to catch Salmon-trout between the fifteenth day of November and the first day of February.

And for certain other fish.

35. It shall not be lawful to catch Maskinongé, Pickerel, nor Black Bass, between the fifteenth of March and the fifteenth day of May.

Fish not to be bought or sold in the close season.

36. It shall not be lawful for any person to buy, sell or have in possession any Salmon, Salmon-Trout, nor any kind of Trout, Bass, nor Maskinongé, taken in contravention of this Act; and any fish so taken may be declared forfeited by any Magistrate whomsoever, and any person so found in possession of any of the aforementioned fish, or of any part or portion thereof, shall be held to have obtained the same in violation of the provisions of this Act, except only upon legal proof to the contrary, which proof shall devolve wholly upon the person accused.

Proof.

Fish-pounds.

37. It shall not be lawful to construct any fish pound in any river.

Permission may be given to take fish for spawn in the close season, &c.

38. The Superintendent of Fisheries may grant written permission to any person or persons who may be desirous of obtaining spawn for *bonâ fide* artificial or scientific purposes, to fish for that purpose, during the close season. And any person who may wilfully injure or destroy any place set apart for the artificial propagation of fish, shall incur a fine of not less than five pounds nor more than ten pounds.

Right of possession in fishing stations.

39. Every subject of Her Majesty, who shall be i ceable possession of any fishing Station at the time passing of this Act, shall be deemed the owner thereof, purposes of this Act and he shall be deemed so to be w shall not have abandoned it during twelve consecutive m and it shall not be lawful for any other person to set any apparatus for catching fish so as to injure his fishe

Lime and drugs not to be used to catch fish.

Penalty.

40. It shall not be lawful to throw lime, or any ch substance or drug, into any water frequented by any one kind of Fish mentioned in this Act, and any person guilty of having thrown lime or any other chemical sub or drug in such waters shall be subjected to penalty less than five pounds and not more than ten pounds f offence.

Recovery of penalties.

41. Every penalty or forfeiture imposed by this Act regulations to be made under it, may be recovered o plaint before the Superintendent of fisheries, or any Stipe or other Magistrate, in a summary manner, upon the one credible witness; and the proceedings and the cost recovered shall be the same as provided by law in either of the Province in other cases where summary jurisdic given to Magistrates, except in so far as it may be oth herein provided.

Penalty where no other is provided.

42. In every case of contravention of this Act, or regulations to be made under it, for which no other pen provided, the offender shall incur a fine of not less tha pounds nor more than five pounds.

Limitation of suits.

43. All penalties incurred under this Act must be for within twelve months from the commission of the o

Committal for non-payment.

44. Any offender who shall not forthwith pay th and costs he may have been condemned to pay, shall b mitted to Gaol for a term of not less than one mon more than six months, at the discretion of the Magistr fore whom the offender may have been convicted.

Delay between service and return.

45. There shall not be less than three days betwe service and the return of the Summons to any Defenda the first five leagues, and one day more for each addition leagues, of the distance between the place at which the mons is dated and the place where it is served.

Conviction on view.

46. The Superintendent of Fisheries, or any diary or other Magistrate, may convict upon view, of the offences punishable under the provisions of this Act.

Defendant compellable

47. When the defendant shall not be a resident Province, and it shall be expedient to proceed agains

ithout delay, the Superintendent of Fisheries, or any Stipendiary or other Magistrate may, upon complaint, issue a Summons returnable immediately, to compel the defendant to appear before him without delay, or he may issue a Warrant for the apprehension of such defendant simultaneously with the Summons. to appear immediately in certain cases.

48. The Superintendent of Fisheries, or any Stipendiary or other Magistrate, may search, or grant a warrant to have searched, any vessel or place where he may have cause to believe that any fish taken in contravention of this Act, may have been concealed. Searches and search warrants in certain cases.

49. One moiety of the pecuniary fines and of the forfeitures under this Act, or under the regulations to be made by virtue thereof, shall belong to Her Majesty, and the other moiety to the complainant. Application of fines and forfeitures.

50. The powers heretofore vested in the Municipalities by the Seventh sub-section of the Nineteenth Section of the Act Eighteenth Victoria, Chapter One hundred, and by the Eighteenth sub-section of the Sixtieth section of the Act Twelfth Victoria, Chapter Eighty-one, as the said sub-section is extended by the Sixty-seventh and One hundred and Sixth Sections of the said Act, are hereby transferred to and vested in the Governor in Council. Power to make regulations transferred to Governor in Council.

51. Complaints under this Act may be in the form A;—Summonses in the form B;—Supœnas in the form C;—Convictions in the form D,—and Warrants in the form E., of the Schedule hereunto annexed, or in any other form; and in other respects the Acts relative to Summary Convictions by Justices of the Peace shall apply to cases under this Act, and the Superintendent of Fisheries shall, as regards such cases, be deemed a Justice of the Peace for that section of the Province for which he is appointed, whether otherwise qualified or not; and in any proceeding under this Act, an offence against any regulation made under this Act may be stated as an offence against this Act. Forms under this Act.

DEVELOPEMENT AND ENCOURAGEMENT OF FISHERIES.

And for the further developement of the fisheries of the Province, and for the encouragement of all parties, residents of Canada, who may engage therein, it is further enacted, That—

52. The owner or owners of a vessel built in Canada, when employed in the following fisheries, viz: Seals, Codfish, Mackarel, Herring or Whale, for at least three consecutive months, shall be entitled to a bounty of— Bounty to Canadian fishing vessels.

1. Three dollars per ton, for three months consecutive fishing;

2. Three dollars and a half per ton for three months and a half, consecutive fishing;

3. And four dollars per ton for four months consecutive fishing. But no vessel shall receive the bounty for more than one voyage.

How such vessels must be manned;

53. All vessels, to be entitled to the bounty, must be manned in accordance with the following rates, viz:

Vessels from 20 to 40 tons, to carry 8 men;

Vessels from 40 to 60 tons, to carry 10 men;

Vessels from 60 to 80 tons, to carry 12 men;

And registered;

And such vessel or vessels must be registered in the Office of the Collector of Customs in accordance with the provisions of this Act and of the Law, and the tonnage for the purposes of this Act shall be calculated as provided by the Act eighth Victoria, chapter five.

And licensed.

54. The owner or owners of all vessels about to be employed in the Fisheries having conformed to the regulations of this Act, must obtain a license from the Superintendent of Fisheries or from the nearest Collector of Customs.

Crew to be three-fourths Canadian.

55. The vessel to be entitled to the bounty, must be manned by at least three-fourths British Canadian subjects.

And the vessel Canadian owned.

56. No vessel shall be entitled to the bounty, that is not the property of a Canadian British subject.

Not under 20 tons.

57. No vessel under twenty tons register, shall be entitled to receive the bounty.

No bounty for more than 80 tons.

58. The bounty shall not be given for more than eighty tons, even should the vessel exceed that tonnage.

Fish must be inspected.

59. No owner of a vessel shall be entitled to receive the bounty, unless the fish taken shall have been inspected in accordance with the Act for the Inspection of Fish.

Fishermen must be under articles.

60. No vessel, employed as aforesaid shall be entitled to the allowance granted by this Act, unless the master or owner thereof shall, before he proceeds on any fishing voyage, make an agreement in writing or print with every fisherman employed therein.

61. If any duly licensed vessel be wrecked on her homeward voyage, upon its being proved (under oath) that she has been engaged in the fisheries, the owner thereof shall receive such portion of the bounty as it shall be proved he is legally entitled to. As to fishing vessels wrecked.

62. No trading vessel or vessels engaged in carrying cargoes during the fishing season, shall be entitled to receive the bounty. Fishing vessels not to carry cargoes.

63. One third of such bounty shall be distributed between the crew of the fishing vessel in equal proportions, and the remaining two thirds to the owner thereof—or the bounty may be distributed, as it may be agreed upon by an instrument or declaration to be made in writing by the parties. Bounty divided between crew and owner.

64. When any vessel shall have ended her fishing voyage, the owner thereof must report to the Superintendent of Fisheries or to the nearest Collector of Customs who, upon proof given under oath, may grant a certificate that the owner of such vessel is entitled to the bounty. Report when the voyage is ended.

65. Any company who may form an association for the purpose of carrying on the fisheries, shall receive such portions of the bounty, as accords with the number of shares, which individually may be held by the members of such association. As to Fishing Companies.

66. All parties who may be entitled to a bounty shall transmit or cause to be transmitted to the Superintendent of Fisheries, the certificate shewing that they are entitled to a bounty; and upon the receipt of such certificate, the Superintendent of Fisheries is authorized to pay to such party, or his representatives, the sum to which he is entitled, after having obtained the approval of the Commissioner of Crown Lands. By whom and on what proof, &c., the bounty shall be paid.

67. The said bounty shall be paid out of the revenue arising or that may arise from the lease or license of any Salmon or other fishery, but the amount of bounty to be paid shall not exceed three thousand five hundred pounds per annum. Out of what funds.

68. Any person who shall make a false oath or affirmation, with intent to obtain the bounty fraudulently, upon being duly convicted thereof, in any Court of Justice having jurisdiction of such offence, shall be deemed guilty of wilful and corrupt perjury, and shall be punished accordingly. False swearing, &c., to be perjury.

69. If any Vessel licensed to carry on the fishery be found within three miles of the coast with any goods, wares or merchandise of foreign produce or manufacture, except such as are necessary for the maintenance and use of the crew, such vessel, together with such goods, wares or merchandise, shall be subject to seizure and forfeiture. Licensed vessels found with foreign goods on board to be forfeited, &c.

Customs Officers, &c., to be found in provisions, &c.

70. Any Custom House, or other officer, while performing duty on board of any such vessel shall be entitled to receive from the master thereof, such provision and other accommodation, free of expense, as are usually supplied to passengers, or as the state and condition of the vessel will admit.

Special registry of fishing vessels, &c.

71. A special registry of all vessels licensed for the Fisheries, shall be kept by the Collectors of Customs, who shall cause correct copies of the same to be sent to the Superintendent of Fisheries, on or before the first day of January in each year.

Formation of oysters beds.

72. The sum of one hundred and fifty pounds per annum (for three years) may be applied for the formation of Oyster Beds in the various bays and waters of the Province that may be found best adapted for that purpose.

Sects. 34 and 35 not to apply to certain waters.

73. Nothing in the thirty-fourth or thirty-fifth sections of this Act shall extend to lake Huron or lake Superior.

SCHEDULE A.

Form of Complaint.

Upper (*or* Lower) Canada,
County (*or* District of .

This day of , 18 .

To J. S., , Superintendent of Fisheries, (*or* a Justice of the Peace for the said County *or* District.)

A. B., of ; complains that C. D. of , hath (*state the offence briefly in any intelligible terms, with the time and place at which it was committed,*) in contravention of the Fishery Act ; Wherefore the complainant prays that judgment may be given against the said C. D. as by the said Act provided.

(*Signature*) A. B.

SCHEDULE B.

Summons to Defendant.

Upper (*or* Lower) Canada,
County (*or* District) of .

To C. D., of , &c.

Whereas complaint hath (*this day*) been made before me that you (*state the offence in the words of the complaint, or to like effect*) in contravention of the Fisheries Act ; Therefore you are hereby commanded to come before me, at , on the day of , at

, at o'clock in the , to answer the said complaint and be dealt with according to Law.

Witness my hand and seal, this day of , 185 .

J. S., Superintendent of Fisheries for Lower Canada, (*or* Justice of the Peace for , *as the case may be.*)

[L. S.]

SCHEDULE C.

Subpœna to a Witness.

Upper (*or* Lower) Canada, County (*or* District) of .

To E. F., of , &c.

Whereas complaint has been made before me that C. D. did (*state the offence as in the Summons*), and I am informed that you can give material evidence in the case; Therefore, you are commanded to appear before me, at , on the day of , at o'clock in the to testify what you know concerning the matter of the said complaint.

Witness my hand and seal, this day of , 185 .

J. S., Superintendent, &c., (*as in Summons.*)

[L. S.]

SCHEDULE D.

Form of Conviction.

Upper (*or* Lower) Canada, District (*or* County) of .

Be it remembered, that on this day of , 18 , at , in the said County (*or* District,) C. D., of , is convicted before me, for that he did, &c., (*stating the offence briefly, and the time and place where committed,*) in contravention of the Fisheries Act; And I adjudge the said C. D. to forfeit (and pay) the sum of (*or mention the thing forfeited under this Act,*) to be applied according to law, and also to pay to A. B. (*the complainant*) the sum of for costs:

If

If the penalty be not forthwith paid, add,—and the said C. D. having failed to pay the said penalty and costs forthwith after the said conviction, I adjudge him to be committed to and imprisoned in the Common Goal of the County (*or* District) of for the period of .

Witness my hand and seal, this day of , 185 .

J. S.
(*as in Summons.*)
[L. S.]

SCHEDULE E.

Form of Warrant of Commitment for non-payment of penalty or forfeiture, and costs.

Upper (*or* Lower) Canada, }
District (*or* County) of . }

To the Constables and Peace Officers of the District (*or* County) of , and the Keeper of the Common Gaol of the said District (*or* County), at :

Whereas C. D., of , was, on the day of 18 , convicted before me, for that he, &c. (*as in Conviction,*) and I did thereupon adjudge the said C. D. to forfeit and pay to A. B. &c., (*as in Conviction* ;) And whereas the said C. D. hath not paid the said penalty or forfeiture and costs. Therefore, I command you the said Constables and Peace Officers, or any of you, to convey the said C. D. to the Common Gaol for the of , at , and deliver him to the keeper thereof with this warrant ; And I command you the said keeper of this said Gaol, to receive the said C. D. into your custody, and keep him safely imprisoned in the said Gaol for the space of , and for so doing, this shall be your sufficient warrant.

Witness my hand and seal, this day of , 18 .

J. S.

(*as in Summons.*)

[L. S.]

SCHEDULE F.

No. 1.

FORM OF APPLICATION FOR FISHING LICENSE.

A. B., , owner of the , built at , Tons register, and carrying men, being about

about to engage in the Fisheries of the Province, requests that you will grant him a License under the Act 22nd Vict., chap.

To C. D.,

Collector of Customs.

No. 2.

FORM OF FISHING LICENSE.

Your application for a License being in accordance with the requirements of the Act 22nd Vict., chap. , in virtue of the authority given me, I hereby grant you the said License to fish in conformity therewith.

To A. B.

Owner of the

C. D.

Collector of Customs.

No. 3.

FORM OF CERTIFICATE.

A. B., owner of the of Tons register, and carrying men, having conformed in every respect to the requirements of the law relating to bounties, and having been engaged months constant fishing, is entitled to the sum of dollars , in accordance with the Act 22nd Vict., chap.

No 4. FORM OF RETURN.

NAME OF VESSEL.	OWNER'S NAME.	Tonnage.	Men.	Months.	Quantity of Fish.	Species.	Quality.	By whom inspected	REMARKS.

CAP. LXXXVII.

An Act to provide for the Inspection of Hops.

[*Assented to 16th August*, 1858.]

Preamble. WHEREAS it is expedient to make provision for the Inspection of Hops: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

On a certain requisition, the Minister of Agriculture shall advertise for persons willing to become Inspector of Hops in any City, 1. From and after the day on which this Act shall come into force, it shall be the duty of the Minister of Agriculture, upon the receipt of any requisition signed by not less than twenty persons concerned in the production or consumption of Hops, setting forth the necessity of the appointment of an Inspector of Hops in any incorporated City in this Province, to cause a notice to be inserted in the *Official Gazette* and in two newspapers published in such incorporated City, to the effect that each and every person resident and doing business in such incorporated City who may be desirous of being appointed to the office of Inspector of Hops under this Act, may, within two months from and after the first insertion of such notice, transmit to the Minister of Agriculture a statement, under oath, setting forth his name, place of business, and the length of time during which he has been concerned in the growth, or consumption, of, or traffic in Hops (as the case may be,) and the quantity of Hops produced, consumed, bought or sold by him during such period, accompanied by such testimonials of his skill in judging of the qualities of Hops as he may see fit and be able to procure, and signifying also his desire to be appointed to the office of Inspector of Hops under this Act.

The applicant best qualified shall be appointed. 2. It shall be lawful for the Governor in Council, after the expiration of two months from the first insertion of the notice mentioned in the next preceding section, to appoint from among the applicants who shall have complied with the requirements mentioned in such notice, the person who shall seem to be best suited to the discharge of the duties of the office, to be an Inspector of Hops; But before any person so appointed as Inspector shall act as such, he shall furnish two good and sufficient sureties who shall be bound with himself for the due performance of the duties of his office in the sum of one hundred pounds currency each; And such sureties shall be approved by the Mayor or chief municipal authority of the City for which the said Inspector shall be appointed; And a bond shall be executed to Her Majesty in the form used with regard to the sureties of persons appointed to offices of trust in this Province; And such bond shall avail to the Crown and to all persons whomsoever who shall or may be aggrieved by the breach of the conditions thereof; And no such Inspector shall allow any person whomsoever to act for him about the duties

He must give security.

No person to act except In-

spector or his sworn Assistant.

of his office excepting only his sworn Assistant or Assistants, to be appointed in the manner hereinafter provided.

Custody of the Bond.

3. The bond of suretyship which shall be executed by such Inspector and his sureties, by virtue of this Act, shall be made and shall be kept at the office of the Clerk of the Corporation of the City for which such Inspector shall be appointed; And every person shall be entitled to have communication and copy of any such bond or suretyship at such Clerk's office, upon payment of one shilling currency for each communication, and of two shillings and six pence currency for each copy.

Fees for copies, &c.

Inspector to be sworn.

4. Each person appointed an Inspector of Hops under this Act, shall, before he shall act as such, take and subscribe an oath before the Mayor of the City for which he shall be appointed (which Mayor is hereby authorized to administer the same,) in the words following, to wit:

The oath.

"I, A. B., do solemnly swear, that I will faithfully and "truly and impartially, to the best of my judgment, skill "and understanding, do and perform the office of an In- "spector of Hops, according to the true intent and mean- "ing of an Act of the Legislature of this Province, inti- "tuled, *An Act to provide for the Inspection of Hops*, and "that I will not directly or indirectly, by myself or by any "other person or persons whomsoever, grow, produce, buy or "sell any Hops on my own account, or upon the account of "any other person or persons whomsoever; nor will I be or "remain in the employment or service of any person or per- "sons who may be engaged in the growth of Hops, or con- "sumption of Hops, during the time I shall continue such "Inspector. So help me God;"

Fees for recording oath, &c.

Which oath shall be recorded in the office of the Clerk of the City where the same shall be taken: And for recording such oath, and for a certificate thereof, the Clerk shall be entitled to demand and have the sum of two shillings and six pence, and no more; and shall give communication of the original to any person who shall apply for the same, on payment of one shilling currency for such communication, and two shillings and six pence currency for each copy.

Inspector to have proper building for storage of Hops.

5. In any place where there shall be an Inspector of Hops, it shall be the duty of such Inspector to provide himself with suitable and convenient premises for the storage and inspection of Hops, and to keep all bales and packages of Hops delivered to him for inspection, whilst they remain in his possession, in some dry place, safe from the injuries of the weather or of floods, and under a tight roof, and if in sheds, the same shall be good and sufficient and enclosed on every side, and the packages shall be so deposited that no moisture shall be imparted to them from the earth; and for the time which they may

may be in his possession previous to the inspection thereof, and for twenty-four hours after such inspection, the said Inspector shall be entitled to make no charge for storage, but all trouble and expense attendant upon the loading, unloading and moving the said Hops shall be at the cost of the person at whose request the said Hops shall be inspected.

Owner to pay cost of moving them, &c.

6. It shall be the duty of every such Inspector to receive into his premises provided as aforesaid for such purpose, all Hops presented to him for inspection, and to examine and inspect the same by thoroughly cutting into and examining each bale and package, and he shall classify and assort the same into three different grades or classes according to their different qualities and conditions, to be denominated, Number One; Merchantable; Number Two.

Examination and classification of Hops.

Number One Hops shall comprise all those which are of the first quality in respect to picking, curing, packing, strength, color, flavor and all other properties which combined would constitute a superior article for sale or use in Canada;

Number One Hops.

Merchantable Hops shall comprise all those which are good, sound and saleable, and in which no material defect or injury exists to the depreciation of their value for use, and which shall fully possess all the essential properties which render Hops valuable for use, but in a degree inferior to those classified as Number One hops;

Merchantable Hops.

Number Two Hops shall comprise the remainder of those which may be fit and valuable for use, but which from some defects or injuries or improper picking, curing or package, may be unworthy to be classified as Merchantable Hops.

Number Two Hops.

And the said Inspector shall mark in plain letters and figures on each and every bale and package of Hops by him inspected, containing Hops corresponding to the quality hereinabove described as Number One Hops, the characters, "No. 1;" of the quality hereinabove described as Merchantable, the word "Merchantable," and of the quality hereinabove described as Number Two Hops, the characters, "No. 2," with his own name and that of the place where the said Hops are inspected, and the year when such inspection is made, together with the weight of each bale or package; he shall also mark upon each bale or package which shall seem to him to be unsaleable or unfit for use, the word "Unmerchantable," and he shall also make and deliver a separate weigh note or bill of each quality of Hops whenever he shall be required so to do by the owner thereof or his agent.

How inspected Hops shall be marked.

Weigh note, &c.

7. If from any particular defect in the quality or condition of Hops, or from unskilful picking, curing, packing or other particular circumstance, the Inspector shall place the mark of an

Case of particular defect in Hops otherwise good.

an inferior grade upon Hops which would be otherwise of a superior grade, he shall make an entry to that effect, and stating the particular fault upon his book, to be kept as hereinafter provided, and shall make a memorandum to the same effect upon the weigh note or bill of inspection which he shall deliver to the person entitled to the same.

Book to be kept by Inspector.

Bales, &c., to be entered by numbers in order.

8. Each Inspector under this Act, shall keep a book, in which shall be regularly entered the number of each bale or package by him inspected, with its weight and quality, and the name of the owner of the same or person presenting it for inspection; and the first bale or package which shall be presented for inspection, being the growth of the year in which it is so inspected, shall take the number one, and each bale or package which shall be subsequently inspected shall take a number corresponding to the order of inspection, the numbers being continuous until Hops being the growth of the next ensuing year shall be presented for inspection; and the said Inspector shall also mark upon each bale or package inspected the number corresponding to the entry in his book.

Charges and liability of Inspector.

9. For all the services to be performed as aforesaid, each Inspector shall be entitled to charge to the owner of the said Hops, or to the person presenting the said Hops for inspection, the sum of two shillings and six pence for every hundred pounds weight inspected, and he shall be entitled to charge a reasonable sum for storage of the same for the actual time they may be left in his possession after the first twenty-four hours from the time of such inspection, and he shall not be entitled to make any further charges for any services performed under this Act; but the said Inspector shall not be liable for losses by fire or other accidents which he could not have reasonably foreseen and prevented.

Inspectors may appoint Assistants.

His remuneration.

10. Each Inspector of Hops may appoint and remove from time to time some skilful person to act as his Assistant in case of the absence, sickness or other incapacity of such Inspector, which Assistant shall, on being required so to do, perform the several duties and acts hereinbefore assigned to the said Inspector, except that he shall mark his own name and the name of his office, "Assistant Inspector," upon every bale and package by him inspected, and for the performance of such services he shall receive such remuneration as may be agreed upon between himself and the said Inspector of Hops.

Inspector and his sureties to be responsible for Assistants, who shall be sworn.

11. The Inspector of Hops and his said sureties shall be responsible for the acts of his Assistant done under this Act, in the same manner and to the same extent that he would have been responsible had they been done and performed by himself; And each such Assistant, before he shall act as such, shall take and subscribe the following oath, before the Mayor of the city in which he shall be appointed, who is hereby required and authorized to administer the same:

"I,

"I, A. B., do swear that I will diligently, faithfully and impartially execute the office of Assistant of the Inspector of Hops, for the city of , according to the true intent and meaning of an Act of the Legislature of this Province, intituled, *An Act to provide for the inspection of Hops*, and that I will not directly or indirectly, personally or by means of any person or persons in my behalf, receive any fee, reward or gratuity whatever by reason of my office of Assistant to the said Inspector (except my salary from the said Inspector), and that I will not directly or indirectly, trade in Hops, or be in any manner concerned in the purchase or sale of the same, nor will I be or remain in the employment or service of any person or persons who may be engaged in the growth, traffic or consumption of Hops during the time I shall continue such Assistant Inspector. So help me God." The oath.

12. Any Inspector who shall, or whose Assistant shall, during his and their continuance in office, directly or indirectly be concerned in the buying or selling of any Hops, or participate in any transaction or profit arising therefrom (farther than the fees or emoluments granted by this Act), or shall date any weigh note or bill of inspection differently from the time when the Hops were actually inspected, or shall issue the same without any date, or who shall not conform to the provisions of this Act, shall, for every such offence, incur a forfeiture or penalty not exceeding fifty pounds currency, and be for ever thereafter disqualified and disabled from holding or exercising the duty or office of Inspector of Hops; and every Inspector or Assistant Inspector, or clerk or other person, who shall make or cause to be made any fraudulent bill of Hops, shall be guilty of felony, and shall, upon conviction thereof, be confined at hard labor in the Provincial Penitentiary for any term not exceeding seven years. Punishment of Inspectors, &c., for offences against this Act. Penalty. Certain offences to be felony.

13. If any Inspector, or his Assistant not then employed in the Inspection of Hops, shall, on application on lawful days between sun-rise and sun-set to him made, refuse to receive any Hops, or shall neglect or delay to proceed in such examination and inspection for the space of three hours after such application so made to him, the said Inspector or his Assistant so in default, shall, for each such offence, forfeit the sum of five pounds current money, to the use of the person or persons so delayed. Penalty for refusing to inspect, &c.

14. If any person counterfeits any of the aforesaid brand marks or other marks of any Inspection of Hops,—or, without the consent of such Inspector, impresses or brands the same, or any other mark purporting to be the mark of any such Inspector, on any package containing Hops, either with the proper marking tools of such Inspector, or with any counterfeit thereof; or empties any package of Hops branded or marked by any such Inspector, in order to put therein Hops for sale or exportation, Penalty for counterfeiting Inspector's marks, &c.

an inferior grade upon Hops which would b[illegible] superior grade, he shall make an entry t[illegible] stating the particular fault upon his b[illegible] hereinafter provided, and shall make [illegible] same effect upon the weigh note or bill [illegible] shall deliver to the person entitled to [illegible]

Book to be kept by Inspector.

Bales, &c., to be entered by numbers in order.

8. Each Inspector under this [illegible] which shall be regularly entere[illegible] package by him inspected, w[illegible] the name of the owner of th[illegible] inspection; and the first b[illegible] sented for inspection, bei[illegible] is so inspected, shall tak[illegible] package which shall b[illegible] number correspondin[illegible] being continuous ur[illegible] ing year shall be p[illegible] tor shall also ma[illegible] number corresp[illegible] [illegible] Act, [illegible]dition thereof [illegible] the Peace is hereby [illegible]er,) and their determination, [illegible]n, shall be final and conclusive, [illegible]approving the judgment of the Inspector [illegible] who shall immediately attend thereto, and [illegible] to be marked, each and every bale and package [illegible]ities directed by such determination, according to [illegible]ovisions of this Act; and if the opinion of the Inspector [illegible] his Assistant be thereby confirmed, the reasonable costs and charges of such re-examination, to be ascertained and awarded by the said Justice, shall be paid by the proprietor or possessor of the Hops, if otherwise, by the Inspector.

Charges and liability of Inspector.

Inspect[illegible] may [illegible] Ass[illegible]

Inspection not to be compulsory.

16. Nothing herein contained shall be construed to prevent any person from purchasing or selling Hops without inspection, but the inspection had in conformity with the provisions of this Act, shall be decisive as to the quality and condition of the Hops so inspected.

Recovery of penalties.

17. Every penalty and forfeiture imposed by this Act shall be recoverable by any Inspector or Assistant Inspector of Hops, or any other person suing for the same, in any Court having civil jurisdiction to the amount; and if such penalty does not exceed ten pounds, the proceedings shall be summary; and such penalty or forfeiture shall, on failure of payment, be levied by execution as in the case of debt; And one moiety of every such penalty and forfeiture, when recovered, shall (except when herein otherwise provided) be immediately paid into the hands of the Treasurer of the Corporation of the City wherein the action or prosecution is brought, for the public uses of the said City, and the other moiety shall belong to the person suing for the

Application of penalties.

...action be brought by an officer of such ...ease the whole shall belong to the Cor-

...on for any pecuniary penalty in- Limitation of prosecution.
... offence against its provisions, ...piration of two years after the

VIII.

...ection Act, 1857."

... *August*, 1858.]

... consent of the Preamble.
... da, enacts as

... passed in the twentieth Section 7 of 20 V. c. 28, repealed.
...uled, *An Act for establishing*
..., *for the better government of Public*
... *and Prisons, and for the better construct-*
...n *Gaols*, is hereby repealed.

... The following section shall be substituted for the repealed New section substituted.
...th section of the said Act, and shall be read as part of
...aid Act: "It shall be lawful for the Governor, at any time, Governor may cause any convict not over 21 to be removed to a Reformatory Prison.
... discretion, to cause any convict in the Provincial Peni-
...ary whose age may appear to the Inspectors not to exceed
...ge of twenty-one years, to be transferred to either of the
...rmatory Prisons of this Province, for the remainder of the
...n of imprisonment for which such convict had been sentenced."

CAP. LXXXIX.

An Act to encourage, and to provide for the extension of the practice of Vaccination.

[*Assented to 16th August*, 1858.]

WHEREAS it is expedient to encourage, and to provide for the extension of the practice of Vaccination in this Province: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

... It shall be the duty of the Trustees, Governors, Directors, A supply of vaccine matter for certain
... other officers or persons having at any time the control and
... management of any Hospital or Dispensary now or hereafter
receiving

exportation, without first cutting out or obliterating any previous brand marks thereon, or fraudulently packs therein any other Hops or thing than the Hops contained therein when such mark was impressed,—or if any person in the employ of any such Inspector hires or lends out the marking tools of such Inspector to any person whatever, or connives at, or is privy to, any fraudulent evasion of this Act, such person committing any of the offences aforesaid, shall, for every such offence, incur a penalty of fifty pounds.

Disputes between owners of Hops and Inspectors, how to be settled.

15. If any dispute shall arise between any Inspector or Assistant Inspector and the proprietor or possessor of any Hops, with regard to the quality thereof, then, upon application to any of Her Majesty's Justices of the Peace for the district in which such Inspector or his Assistant shall act, the said Justice shall issue his Summons to three persons of skill and integrity, one whereof to be named by the Inspector or his Assistant, another by the proprietor or possessor of the Hops, and the third by the Justice of the Peace, requiring the said three persons to examine and inspect the same, according to the provisions of this Act, and report their opinion of the quality and condition thereof under oath (which oath the said Justice of the Peace is hereby required and authorized to administer,) and their determination, or that of the majority of them, shall be final and conclusive, whether approving or disapproving the judgment of the Inspector or his Assistant, who shall immediately attend thereto, and mark, or cause to be marked, each and every bale and package of the qualities directed by such determination, according to the provisions of this Act; and if the opinion of the Inspector or his Assistant be thereby confirmed, the reasonable costs and charges of such re-examination, to be ascertained and awarded by the said Justice, shall be paid by the proprietor or possessor of the Hops, if otherwise, by the Inspector.

Costs.

Inspection not to be compulsory.

16. Nothing herein contained shall be construed to prevent any person from purchasing or selling Hops without inspection, but the inspection had in conformity with the provisions of this Act, shall be decisive as to the quality and condition of the Hops so inspected.

Recovery of penalties.

17. Every penalty and forfeiture imposed by this Act shall be recoverable by any Inspector or Assistant Inspector of Hops, or any other person suing for the same, in any Court having civil jurisdiction to the amount; and if such penalty does not exceed ten pounds, the proceedings shall be summary; and such penalty or forfeiture shall, on failure of payment, be levied by execution as in the case of debt; And one moiety of every such penalty and forfeiture, when recovered, shall (except when herein otherwise provided) be immediately paid into the hands of the Treasurer of the Corporation of the City wherein the action or prosecution is brought, for the public uses of the said City, and the other moiety shall belong to the person suing for the

Application of penalties.

the same, unless the action be brought by an officer of such Corporation, in which case the whole shall belong to the Corporation for the said uses.

Limitation of prosecution.

18. No suit or prosecution for any pecuniary penalty incurred under this Act, for any offence against its provisions, shall be commenced after the expiration of two years after the commission of the offence.

CAP. LXXXVIII.

An Act to amend "The Prison Inspection Act, 1857."

[*Assented to* 16*th August*, 1858.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Section 7 of 20 V. c. 28, repealed.

1. The seventh section of the Act passed in the twentieth year of Her Majesty's Reign, intituled, *An Act for establishing Prisons for young offenders, for the better government of Public Asylums, Hospitals and Prisons, and for the better construction of Common Gaols*, is hereby repealed.

New section substituted.

Governor may cause any convict not over 21 to be removed to a Reformatory Prison.

2. The following section shall be substituted for the repealed seventh section of the said Act, and shall be read as part of the said Act: "It shall be lawful for the Governor, at any time, in his discretion, to cause any convict in the Provincial Penitentiary whose age may appear to the Inspectors not to exceed the age of twenty-one years, to be transferred to either of the Reformatory Prisons of this Province, for the remainder of the term of imprisonment for which such convict had been sentenced."

CAP. LXXXIX.

An Act to encourage, and to provide for the extension of the practice of Vaccination.

[*Assented to* 16*th August*, 1858.]

Preamble.

WHEREAS it is expedient to encourage, and to provide for the extension of the practice of Vaccination in this Province: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

A supply of vaccine matter for certain

1. It shall be the duty of the Trustees, Governors, Directors, or other officers or persons having at any time the control and management of any Hospital or Dispensary now or hereafter receiving

purposes to be kept in every Hospital, &c., receiving aid;

receiving aid from the Public Funds of this Province, to keep at all times in such Hospital or Dispensary an adequate supply of vaccine matter for the following purposes, viz:

And for what purposes.

First.—For the vaccination by a legally qualified Medical Practitioner attached to such Hospital or Dispensary, at the expense of the same of all poor persons, and at their own expense of all other persons, who may attend at such Hospital or Dispensary for that purpose, during one day in every week; the fee to be charged for such vaccination not in any case to exceed fifty cents, and to be used and applied for the benefit of the Hospital or Dispensary;

Second.—For the purpose of furnishing, on application, to each and every legally qualified Medical Practitioner, such reasonable quantities of said matter as he may from time to time require;

Third.—For the purpose of furnishing, on application, to the Superintendent General of Indian Affairs, or his Assistant, or to any Visiting Superintendent of Indian Affairs, such reasonable quantities of said matter as he may from time to time require for the use and benefit of any settlement of Indians.

Conditions on which only warrants for amounts of grants to Hospitals, &c., shall issue.

2. No warrant shall hereafter issue for the payment of any sum of money granted by the Legislature to any Hospital or Dispensary, unless nor until a certificate, signed by a Medical Officer of such Hospital or Dispensary, to the effect that there is actually on hand in such Hospital or Dispensary a supply of vaccine matter which is expected to be sufficient for the purposes aforesaid from the date of such certificate, or setting forth reasons and grounds in explanation of any deficiency in such supply to the satisfaction of His Excellency the Governor General in Council, shall have been filed in the office of the Clerk of the Executive Council; and from and after the first day of January next, no such Warrant shall issue unless nor until a certificate, signed as aforesaid, to the effect aforesaid, and further to the effect that at no time since the date of the then last certificate in this behalf has the demand upon such Hospital or Dispensary for such matter for the purposes aforesaid exceeded the supply thereof on hand in such Hospital or Dispensary, or setting forth reasons and grounds in explanation of any deficiency of such supply to the satisfaction of His Excellency the Governor General in Council, shall have been filed as aforesaid.

And after 1st January, 1859.

Annual statement to be made by trustees of Hospitals, &c.

3. The Trustees, Governors, Directors, or other Officers or persons having for the time being the control and management of any Hospital or Dispensary to which aid may be granted during the present Session, or any future Session of the Parliament of this Province, shall cause to be transmitted to the Governor General, through the Provincial Secretary, in time to admit

admit of copies thereof being laid before the two Houses of Parliament of this Province, during the first fifteen days of the then next Session, a statement certified by the proper Officers of such Hospital or Dispensary, shewing the number of persons who have applied for and received free vaccination, the number of persons who have applied for and received vaccination at their own expense, and the number, amount and application of fees charged and received for vaccination.

Commencement of Act.

4. This Act shall take effect on and from the first day of October next.

CAP. XC.

An Act to amend the Act to provide for the formation of Joint Stock Companies for Manufacturing, Mining, Mechanical or Chemical purposes.

[*Assented to 16th August*, 1858.]

Preamble.

WHEREAS it is expedient to extend the provisions of the Act passed in the Session of Parliament held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, *An Act to provide for the formation of Incorporated Joint Stock Companies for Manufacturing, Mining, Mechanical or Chemical purposes*, and of the Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to amend the Act for the formation of Incorporated Joint Stock Companies for Manufacturing and other purposes*, with certain amendments, to the formation of Companies for the carrying on of Fisheries upon an extensive scale: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

13 & 14 V. c. 28.

16 V. c. 172.

The said Acts extended to certain Fishing Companies.

1. The said two Acts, and all and every the provisions thereof, save only in so far as is otherwise hereby provided, shall apply and have effect for all Companies which shall be formed as thereby provided, for the carrying on of any fishery or fisheries within the limits of this Province or in the Gulf of the St. Lawrence, and for the building and equipping of any vessels required for such fishery or fisheries, and having a capital stock of not less than forty thousand dollars.

Stockholders in a certain Company not liable beyond the amount of their shares, except in certain cases only.

2. Notwithstanding any thing in the said Acts contained, the Stockholders of any such Fishery Company, whether they shall have paid in the amount of their respective shares of stock therein, or not, shall not be liable for any debts or contracts made by such Company, beyond the amount of their respective shares of stock therein, unless it be by reason of any infraction of the rules laid down by the proviso to the eleventh section of the

the first above recited of the said two Acts, or for any debt falling within the class of debts protected by the seventeenth section of the same Act, or as being officers or trustees of such Company.

But liable for amount subscribed until paid up, notwithstanding transfer of shares.

3. Every such Stockholder shall, however, be and remain liable for all debts and contracts of such Company to the full amount of his share or shares of stock therein, until the same shall have been fully paid in, notwithstanding any transfer which he may make thereof to any other party.

CAP. XCI.

An Act to provide for the Registration of Debentures issued by Municipal and other Corporate Bodies.

[*Assented to* 16*th August*, 1858.]

Preamble.

WHEREAS it would tend greatly to the increased value of Debentures issued under the authority of By-laws of Municipal and other Corporate Bodies passed for the purpose of raising Moneys, and also to the better security of the holders of the same, that a system of Registration should be adopted, and a priority of lien in respect thereof given under certain conditions: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certified copies of all By-laws heretofore passed by Municipal and Corporate Bodies, under which Debentures have been issued, to be transmitted to the proper Registrar within three months after the passing of this Act, together with a Return as in Schedule A.

1. It shall be the duty of the Clerk or Secretary-Treasurer or person acting as such, of every Municipal or Provisional Municipal Corporation, and of the Clerk or Secretary, or person acting as such, of any other Corporate Body, within the period of three months after the passing of this Act, to transmit to the Registrar of the County or Registration Division in which such Municipal Corporation or other Corporate Body or its principal office is situated, a copy duly certified as hereinafter provided, of each and every By-law of such Municipal or Provisional Municipal Corporation, or other Corporate Body heretofore passed under or by authority of which respectively any sum or sums of money may have been raised by the issue of Debentures, together with a Return in the form specified in the Schedule hereunto annexed, marked A, shewing the title or objects of each such By-law, the number of Debentures issued and the amounts thereof respectively, the amounts raised under the said By-laws respectively, the amounts already heretofore paid or redeemed by the said Corporation on the account of the same, the balance still remaining outstanding and payable thereunder respectively, the dates at which the same respectively fall due, and the amount of yearly rate to pay off the same, and the assessed value of the real and personal estate of the Municipality (or Company), and to cause the said Return to be published three times in both languages in the *Canada Gazette*,

Gazette, and also three times in some newspaper published in such County, or if there be no newspaper, then in some newspaper in the County nearest thereto in which there is a newspaper.

Certified copies of all By-laws under which Debentures are intended to be issued, to be transmitted to the proper Registrar within two weeks after the final passing of such By-laws, together with a Return, as in Schedule B.

2. From and after the passing of this Act, it shall be the duty of the Clerk or Secretary-Treasurer or person acting as such of every Municipal, or Provisional Municipal Corporation, or of the Clerk or Secretary, or person acting as such of any other Corporate Body, within two weeks after the final passing of any By-law hereafter to be made and passed by such Corporation for the purpose of raising money by the issue of Debentures, and before the sale or contract for sale of any such Debentures issued or intended to be issued thereunder, to transmit to the Registrar of the County or Registration Division in which such Municipal Corporation or other Corporate Body, or its principal office is situated, a copy duly certified, as hereinafter provided, of each and every By-law hereafter to be made and passed as aforesaid by such Municipal or Provisional Municipal Corporation, or other Corporate Body together with a Return in the form specified in the Schedule B hereunto annexed, shewing the title or objects of each such By-law, the amounts to be raised thereunder, the number of Debentures to be issued thereunder, the amounts thereof respectively, the dates at which the same respectively fall due, the assessed value of the real and personal estate belonging to such Corporation or Company,—the assessed value of the real and personal estate of the Municipality, and the amount of yearly rate in the Pound to liquidate the same, and to cause said Return to be published three times in both languages in the *Canada Gazette*, and also three times in some newspaper published in such County, or if there be no newspaper, then in some newspaper in the County nearest thereto in which there is a newspaper.

Registrar to file such By-laws, and to keep Books with copies of the Returns required by sections 1, 2.

3. The Registrar of the County or Registration Division in which such Municipal Corporation or other Corporate Body or its principal office is situated, shall receive and file in his office the several By-laws required to be transmitted to him as hereinbefore provided, and shall cause to be entered in a Book provided for that purpose, true and correct copies of the Returns hereinbefore required by the first and second sections of this Act.

If requested, the Registrar may register the name of such holder of any debenture, and registration to be *primâ facie* evidence.

4. The Registrar of each County or Registration Division, as aforesaid, shall provide a Book of Registration, wherein he shall, at the request of the original holder or holders, or any subsequent transferee or transferees thereof respectively, from time to time, cause to be entered and registered the name of such original holder or holders, or of such subsequent transferee or transferees, and such holder or last registered transferee in such Book of Registration shall be deemed *primâ facie* the legal owner and possessor thereof.

5.

Mode in which By-laws shall be certified.

5. All By-laws mentioned in the first section of this Act shall be certified and authenticated in the case of a Municipal or Provisional Municipal Corporation by the Seal of the Corporation, and by the Head, and by the Clerk or Secretary-Treasurer thereof respectively, being such at the time of the date of such certificate and authentication; and all By-laws mentioned in the second section of this Act shall be certified and authenticated by the Seal of the Corporation, and by the signature of the Head thereof, or of the person presiding at the Meeting at which the original By-law shall have been made and passed, and also by that of the Clerk or Secretary of such Corporation; and all By-laws of other Corporate Bodies shall be attested and authenticated by the Seal of such Corporate Body and by the signature of the Head thereof.

By-laws, returns and books of entry in Registry Office, to be open to inspection.

6. The certified copies of all By-laws hereinbefore referred to and transmitted as aforesaid, and also the Returns in the first and second sections mentioned, and the Book or Books of entry of such Returns and of Registration, shall be open to public inspection and examination, and access had thereto at all seasonable times and hours upon payment of certain fees as hereinafter provided.

Fees to be payable under this Act.

7. The following fees shall be paid to Registrars under this Act:

For registration of each certified copy of By-laws, the sum of - - - - - - - - - - - - - - - -	£0	10	0
For registration of any Returns as prescribed in Schedules A and B, for each such Return, the sum of - - - - - - - - - - - - - - - - - -	0	5	0
For registration of the name of holder or transferee, of any number of Debentures not exceeding five, the sum of - - - - - - - - - - - - - -	0	1	3
Over five and not exceeding fifteen, the sum of - -	0	2	6
Over fifteen and not exceeding thirty, the sum of -	0	3	9
Upwards of thirty, the sum of - - - - - - - - - -	0	5	0
For making search, inspecting each copy of By-law, and examining entries connected therewith - -	0	5	0

Meaning of term "final passing," as to By-laws to be submitted to the Governor.

8. In all such cases as require the submission of any By-law or By-laws to the Governor General of this Province for his sanction, such sanction must first be obtained to bring the same within the meaning of the words "final passing thereof" in the second section of this Act.

Act not to extend to Railway Companies or Ecclesiastical Corporations, &c.

9. This Act shall not extend to the By-laws, or Debentures thereunder, of any Railway Company or any Ecclesiastical Corporation heretofore incorporated or hereafter to be incorporated, or the Debentures issued by any Religious Denomination, in its Corporate capacity, either in Upper or Lower Canada.

10. Any person neglecting to perform, within the proper period, any duty devolving upon him in virtue of the first or second sections of this Act, shall be guilty of a misdemeanour, and on conviction thereof shall be punishable by imprisonment for a period of not less than three nor more than twelve months. Negligence of duty, misdemeanor.

11. This Act shall be cited as "The Debentures Registration Act." Short Title of this Act.

SCHEDULE

SCHEDULE A.

RETURN as required by the Act intituled, *An Act to provide for the Registration of Debentures issued by Municipal and other Corporate Bodies*, of Debentures issued by the [*Corporate name.*]

1	2		3	4	5	6		7	
Title or Objects of each By-Law	Number of Debentures issued and Amounts.		Amount raised under each By-law.	Amount paid or Redeemed on account of said Debentures.	Balance still remaining outstanding and payable on said Debentures.	Dates at which Debentures fall due, and Amount of yearly rate to pay off same.		Assessed value of Real and Personal Estate of the Municipality (*or* Company.)	
	Number.	Amounts.				Dates of Debentures falling due.	Amount of yearly rate in the £	Real.	Personal.

SCHEDULE

Dated at , this , day of , A. D. 18

SCHEDULE B.

RETURN as required by the Act intituled, *An Act to provide for the Registration of Debentures issued by Municipal and other Corporate Bodies*, of Debentures issued by the [*Corporate name.*]

1	2	3		4	5		6		7
Title or Objects of the By-law.	Amount to be raised.	Number of Debentures and Amounts.		Dates when Payable	Assessed value of Real and Personal Estate belonging to such Corporation (*or* Company.)		Assessed value of the real and personal Estate of the Municipality of (Town, Township, County, City *or* Village, *as the case may be.*)		Amount of yearly rate in the £ to liquidate same.
		Number.	Amounts.		Real.	Personal.	Real.	Personal.	

Dated at , this day of , A. D. 18 .

CAP. XCII.

An Act further to amend the Law in Upper Canada respecting the Court of Error and Appeal.

[*Assented to 16th August*, 1858.]

Preamble. HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Section 36 of 20 V. c. 5, repealed. 1. The thirty-sixth section of the Act passed in the twentieth year of Her Majesty's Reign, intituled, *An Act to amend the Laws in Upper Canada, respecting Appeals, and to alter the Constitution of the Court of Error and Appeal*, is hereby repealed.

CAP XCIII.

An Act to amend the Law in relation to the jurisdiction and procedure of the several Surrogate Courts in Upper Canada, and to simplify and expedite the proceedings in such Courts.

[*Assented to 16th August*, 1858.]

Preamble. WHEREAS it is expedient that all jurisdiction in relation to the grant and revocation of Probate of Wills and Letters of Administration should belong to and be exercised by the several Surrogate Courts in Upper Canada, and that the law in relation to such Surrogate Courts should be amended and the proceedings therein be simplified and expedited: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Court of Probate abolished and testamentary jurisdiction to be exercised by the Surrogate Courts. 1. The Court of Probate for Upper Canada is hereby abolished; and all jurisdiction and authority voluntary and contentious in relation to matters and causes testamentary, and in relation to the granting or revoking Probate of wills and letters of administration of the effects of deceased persons having estate or effects in Upper Canada, and all matters arising out of or connected with the grant or revocation of Probate or Administration, shall be exercised in the name of Her Majesty, in the several Surrogate Courts in Upper Canada, and each Surrogate Court shall hold its Sittings in the County Town of each respective County.

Sittings of Courts.

A Surrogate Court established in each County with Judge and Registrar, &c. 2. In and for each County in Upper Canada there shall be a Court of Law and Record to be called "The Surrogate Court" of each respective County, over each of which Courts one Judge shall preside; and there shall also be a Registrar, and such Officers

ary for the exercise of the jurisdiction
ing.

said Surrogate Courts appointed after hall, before executing the duties of his oath before some one authorized by ie : Judges and Registrars to take oath of office.

nly and sincerely promise and swear, thfully, and according to the best of ecute the office of Judge of the Sur- ounty *or* United Counties, *as the case* o help me God." Form of Judge's oath.

e said Surrogate Courts shall, before lified to act as Registrar under this ath before the Judge of the Court, or zed by law to administer the same :

nly and sincerely promise and swear and faithfully execute the office of ate Court of the (County *or* United *ay be,*) of , and that I will r suffer any alteration, obliteration or or done by myself or others on any apers, or other documents or papers . So help me God." Form of Registrar's oath.

Courts respectively shall have full uthority to issue process and hold lative to the granting of Probates, and inistration, and to grant Probate of of administration of the goods of per- ng estate, goods, rights or credits in oke such Probate of Wills and letters e said Surrogate Courts, respectively l authority to hear and determine all s in relation to the matters aforesaid, ases testamentary ; and such Courts ve the same powers (subject to the ed,) and its grants and orders shall ghout all Upper Canada, and in rela- of deceased persons, as the Court of , and its grants and orders respect- to those matters and causes testa- jurisdiction, and those effects of possessed of goods and chattels over o or more Counties in Upper Canada, tatute or otherwise are imposed on or said Court of Probate, or the Judge tes, Administrations and matters and the appointment of Guardians and otherwise. Powers and jurisdiction of Surrogate Courts. To have the same powers as the present Court of Probate in certain matters.

otherwise, shall and may be performed by the said several Surrogate Courts and the Judges thereof, within their respective jurisdictions; Provided that no suits for legacies, or suits for the distribution of residues shall be entertained by any of the said Surrogate Courts.

Exception.

Terms or times of sitting prescribed.

5. In order that certain stated times may be fixed for hearing and determining matters and causes in contentious cases and business of a contentious nature in the said Surrogate Courts respectively, there shall be four Terms or times of Sitting in each year for the purposes aforesaid, which shall severally commence on the First Monday in the months of January, April, July and October, and end on the Saturday of the same week; and the Judges of the several Courts may appoint one or more days for the giving of Judgment after Term in the same way as is provided by law in respect to County Courts.

Giving judgment after term.

To what particular Courts the grant of Probate or Administration shall be long; and effect of Probate and Administration.

6. The grant of probate or letters of administration shall belong to the Surrogate Court for the County in which the testator or intestate had at the time of his death his fixed place of abode: And if the testator or intestate had no fixed place of abode in or resided out of Upper Canada at the time of his death, such grant may be made by the Surrogate Court for any County in which the testator or intestate had personal or real estate at the time of his death; and probate or letters of administration by whatever Court granted shall, unless revoked, have effect over the personal estate of the deceased in all parts of Upper Canada.

Courts to have seals; and exemplifications and copies under such seal to be received in evidence.

7. Each of the said Surrogate Courts shall be provided with a suitable seal to be approved of by the Governor, and the Judges of the said Courts may respectively cause the same from time to time, with the approval of the Governor, to be broken, altered or renewed; and all Probates, Letters of administration, grants, orders, Letters of guardianship and other instruments and exemplifications, and copies thereof respectively, purporting to be sealed with the seal of any Surrogate Court shall in all Courts and in all parts of Canada, be received in evidence without further proof thereof.

Power to require attendance of parties or witnesses, and to examine them.

8. The said Surrogate Courts respectively may require the attendance of any party in person or of any person whom it may think fit to examine or cause to be examined in any suit or other proceeding in respect of matters or causes testamentary, and may examine or cause to be examined upon oath or affirmation, as the case may require, parties and witnesses by word of mouth, and may either before or after, or with or without such examination, cause them or any of them to be examined on interrogatories, or receive their or any of their affidavits or solemn affirmations, as the case may be; And each of the said Courts may, by writ of subpœna or subpœna *duces tecum* (as the case may be), require such attendance and order

As to production of Deeds and Instruments, &c.

to

or otherwise any Deeds, evidences

shall have the like powers, juris- Powers of Courts to enforce their orders and decrees, to be similar to those vested in County Courts for like purposes.
nforcing the attendance of persons
and for punishing persons failing,
duce deeds, evidences or writings,
sworn or make affirmation or to
ntempt, and generally for enforcing
ments made or given by the Court
other Acts giving jurisdiction to
rwise in relation to the matters to
y or under the orders made under
ed in the said County Courts, as
having equitable jurisdiction, for
any suit or matter depending in

rt may, on motion or petition or Orders and proceedings in respect to the production of Instruments purporting to be testamentary.
y, whether any suit or other pro-
pending in the Court with respect
tion, order any person to produce
ar of the Court or otherwise, as the
r or writing being or purporting to
be shown to be in the possession
person: and if it be not shown Examination of persons touching such Instruments.
ng is in the possession or under
out it shall appear that there are
ving that he has knowledge of any
ourt may direct such person to at-
g examined before the Registrar or
ogatories respecting the same, and
o answer such questions or interro-
o produce and bring in such paper
ject to the like process of contempt
ending or in not answering such
or not bringing in such paper or
en subject to in case he had been
t, and had made such default; and
petition or other proceeding, shall
ourt.

Registrars of the said Surrogate Judges, Registrars and Commissioners in Q. B. and C. P., to have power to administer oaths.
ve full power to administer oaths
nentary and in all other matters in
l Commissioners for taking affida-
rior Courts of Common Law in
ave full power respectively to ad-
and causes testamentary and in all
urts to parties desirous of making
them respectively. Any person who
ence, or who shall wilfully swear or
affirm

False swearing to be perjury.

affirm falsely in any affidavit or deposition before said Surrogate Courts, or before any Judge or Regist or before any Commissioner as aforesaid, shall be li penalties and consequences of wilful and corrupt pe

Penalty for forging or counterfeiting seal or signature of officers, or tendering same in evidence.

12. If any person forges the signature of any Ju gistrar of a Surrogate Court, or of any Commissione affidavits as aforesaid, or forges or counterfeits any Surrogate Court, or knowingly uses or concurs in such forged or counterfeit signature or seal, or evidence any document with a false or counterfeit s such Judge, Registrar or Commissioner, or with counterfeit seal, knowing the same signature or seal or counterfeit, such person shall be guilty of liable to be imprisoned in the Provincial Penitenti term not exceeding seven years.

Practice of the Courts, general rule as to.

13. The Practice of the said several Surrog shall, except where otherwise provided by this Act Rules or Orders to be from time to time made unde be, so far as the circumstances of the case will adm ing to the Practice in Her Majesty's Court of England.

Rules and orders to be made for regulating the procedure of the Courts, and by whom.

14. And to the intent and end that the Proc Practice of the said several Surrogate Courts may most simple and expeditious character, it shall be law Governor at any time after the passing of this Act, one of the Judges of the Superior Courts of Comm Toronto, one of the Judges of the Court of Chancer County Court Judge in Upper Canada, to frame Ge and Orders in relation to the provisions of this A said Judges or any two of them are authorized and e to make Rules and Orders to take effect when this come into operation for regulating the Procedure an of the said Surrogate Courts and in relation to their j and proceedings under this Act,—and for regulating t the Surrogate Clerk,—the duties of the several Surro Registrars and other officers of such Courts,—and for d what shall be deemed contentious and what non c business, and (subject to the express provisions of th regulating the manner of appealing from the decisi said Surrogate Courts, and generally for carrying the

Amendment of such rules.

of this Act into full and beneficial effect; and afte shall come into force, it shall be lawful for the said any two of them, from time to time, ro repeal, amen or alter any such Rules and Orders as to them shall

Mode of taking evidence in contentious matters.

15. Subject to the regulations to be established Rules and Orders as aforesaid, the witnesses, and wh sary, the parties in all contentious matters where thei ance can be had, shall be examined orally by or

Judge of the Surrogate Court in open Court; Provided always that, subject to any such regulations as aforesaid, the parties shall be at liberty to verify their respective cases by affidavit, but so that the deponent in every such affidavit shall, on the application of the opposite party, be subject to be cross-examined by or on behalf of such opposite party orally in open Court as aforesaid; and after such cross-examination, may be re-examined orally in open Court as aforesaid by or on behalf of the party by whom such affidavit was filed.. Proviso: as to the use of affidavits. Subject to viva voce examination.

16. Provided that where a witness in any such matter is without the limits of Upper Canada, or where by reason of his illness or otherwise the Court shall not think fit to enforce the attendance of the witness in open Court, it shall be lawful for any of the said Surrogate Courts to order a Commission to issue for the examination of such witness on oath upon interrogatories or otherwise, or if the witness be within the jurisdiction of the Court to order the examination of such witness on oath upon interrogatories or otherwise before any person to be named in such order for the purpose, and all the powers given to the County Courts by the County Courts Amendment Act, 1857, for enabling the said Courts to issue Commissions and give orders for the examination of witnesses in actions depending in such Courts and to enforce such examination; and all the provisions of the County Courts Acts for enforcing or otherwise applicable to examinations, and the witnesses examined, shall extend and be applicable to the said several Surrogate Courts, and to the examinations of witnesses under the Commissions and Orders of the said Courts, and to the witnesses examined as if such Courts were County Courts, and the matter before them respectively were an action pending in a County Court. Courts may issue commissions for the examination of witnesses, as in County Courts. Provisions of certain acts to apply.

17. The Rules of evidence observed in the Superior Courts of Common Law at Toronto, shall be applicable to and observed in the trial of all questions of fact in the said several Surrogate Courts. Rules of evidence in Common Law Courts, to be observed.

18. It shall be lawful for the said several Surrogate Courts to cause any question of fact arising in any proceeding under this Act, to be tried by a Jury, before the Judge of the Court; and upon order being made allowing a trial by Jury, such trial shall take place at some ensuing sittings of the County Court for the County, and be conducted in the same manner as other trials by Jury in the County Courts are conducted, and parties shall be entitled to their right of challenge, and for all purposes of or auxiliary to the trial of questions of fact by a Jury before the Judge of a Surrogate Court, and in respect of new trials thereof, the said Surrogate Courts respectively, shall have the same jurisdiction, power and authority in all respects as belong to the County Court, and the Judges thereof for like purposes. Courts may cause questions of fact to be tried by a jury at a County Court sitting, and in like manner as in County Courts.

Question to be reduced to writing, jury to be sworn to try it, and Judges to have like authority on trial as County Court Judges.

19. When any such question shall be so ordered to be tried by a Jury before the Judge of a Surrogate Court, such question shall be reduced into writing in such form as the Court shall direct, and at the trial the Jury shall be sworn to try the said question, and a true verdict give thereon according to the evidence; and upon every such trial, the Judge of the Surrogate Court shall have the same powers, jurisdiction and authority as belong to the Judge of a County Court sitting for the trial of issues in fact.

Persons considering themselves aggrieved by any judgment, &c, may appeal to Chancery.

20. Any person considering himself aggrieved by any order, sentence, judgment or decree of any Surrogate Court, or who shall be dissatisfied with the determination of the Judge thereof in point of law in any matter or cause under this Act, may, within fifteen days next, after any such Order, Sentence, Judgment, Decree or Determination, appeal therefrom to the Court of Chancery, in such manner and subject to such regulations as may be provided for by the Rules and Orders to be made under this Act, and the said Court of Chancery is hereby authorized and required to hear and determine such Appeals: Provided always that no such Appeal shall be had or lie unless the value of the goods, chattels, rights or credits to be affected by such order, sentence, judgment, decree or determination, shall be more than fifty pounds.

Proviso: appeal not to lie in certain cases.

In cases of contention, the matter may, by consent, be referred for adjudication to one of the Superior Courts.

21. In every case in which there is contention as to the grant of Probate or Administration, and the parties in such case thereto agree, such contention shall be referred to and determined by any of Her Majesty's Superior Courts of Law or Equity at Toronto, on a case to be prepared, and the Surrogate Court having jurisdiction in such matter shall not grant Probate or Administration until such contention is terminated and disposed of by judgment, decree or otherwise.

In certain cases of contention, matter to be referred to Chancery.

22. Any cause or proceeding in the said Surrogate Courts in which any contention arises as to the grant of Probate or administration, or in which any disputed question shall be raised (as to law or facts), relating to matters and causes testamentary, shall be removable by any party to such cause or proceeding into the Court of Chancery by order of a Judge of the said Court to be obtained on a summary application supported by affidavit, of which reasonable notice shall be given to the other parties concerned; and the Judge making such order may impose such terms as to payment or security for costs or otherwise as to him shall seem fit: Provided that no cause or proceeding shall be so removed as aforesaid unless of such a nature and of such importance as to render it proper that the same should be withdrawn from the jurisdiction of the Surrogate Court and disposed of by the Court of Chancery, nor unless the personal estate of the deceased shall exceed Five hundred Pounds in value; and upon any cause or proceeding being so removed as aforesaid, the Court of Chancery shall

Provided certain cases not to be so removed.

Powers of the Court of Chan-

shall have full power to determine the same, and may cause any question of fact arising therein to be tried by a jury and otherwise deal with the same as with any cause or claim originally entered in the said Court of Chancery; and the final order or decree made by the said Court of Chancery in any cause or proceeding removed as aforesaid, shall be transmitted by the Surrogate Clerk to the Registrar of the Surrogate Court from which such cause or proceeding was removed for the guidance of the said Surrogate Court.

cery and transmission of final order to Surrogate Court.

23. There shall be a Clerk appointed to be called the Surrogate Clerk, who shall perform the duties required of the Surrogate Clerk by this Act, as well as the duties that by the Rules and Orders to be made under this Act may be required of such Surrogate Clerk, and also such other duties as shall be required of him by the Court of Chancery, and such Surrogate Clerk shall be deemed an officer of the said Court of Chancery, and be paid a fixed salary not exceeding one thousand six hundred dollars yearly, and the Governor shall from time to time appoint and at his pleasure remove such Clerk.

Surrogate Clerk to be appointed—his duties.

His salary.

24. On every application to a Surrogate Court for Probate of Will or Letters of Administration where the testator or intestate was resident in Upper Canada at the time of his death, the place of abode of such testator or intestate at the time of his death shall be made to appear by affidavit of the person or some one of the persons applying for the same; and thereupon and upon proof of the Will, or in case of intestacy, upon proof that the deceased died intestate, Probate of the Will or Letters of Administration, as the case may be, may be granted under the seal of the Surrogate Court to which such application has been so made; and such Probate or Letters of Administration shall have effect over the personal estate of the deceased in all parts of Upper Canada.

Upon affidavit that the testator, &c., resided in Upper Canada, Probate and Administration may be granted.

Its effect.

25. On every application for Probate of a Will or Letters of Administration where the testator or intestate had no fixed place of abode in or resided out of Upper Canada at the time of his death, the same shall be made to appear by affidavit of the person or some one of the persons applying for such Probate or Administration, and that the deceased died leaving personal or real property within the County in the Surrogate Court of which such application is made, and that notice of the application has been published at least three times successively in the *Canada Gazette;* and thereupon and upon proof of the Will, or in case of intestacy, upon proof that the deceased died intestate, Probate of the Will or Letters of Administration, as the case may be, may be granted under the Seal of the Surrogate Court to which application has been so made; and such Probate or Letters of Administration shall have effect over the personal estate of the deceased in all parts of Upper Canada.

Where testator, &c., had no fixed place of abode in or resided out of U. C., upon what proof Probate or Administration shall be granted, &c.

Its effect.

26.

Affidavit grounding application for grant to be conclusive for exercise of jurisdiction, unless shewn to be incorrect.

26. The affidavit as to the place of abode and personal property of a testator or intestate under the previous sections, for the purpose of giving a particular Court jurisdiction, shall be conclusive for the purpose of authorizing the exercise of such jurisdiction; and no grant of Probate or Administration shall be liable to be recalled, revoked or otherwise impeached by reason that the testator or intestate had no fixed place of abode within the particular County at the time of his death, or had not personal or real estate therein at the time of his death; and every Probate and Administration granted by a Surrogate Court shall effectually discharge and protect all persons paying to or dealing with any executor or administrator thereunder, notwithstanding the want of or defect in such affidavit as is hereby required: Provided that the Judge of any Surrogate Court before whom any matter is pending under this Act may, if it be made to appear to him that the place of abode of the testator or intestate or the situation of his property has not been correctly stated in the affidavit, stay all further proceedings, making such order as to the costs of the proceedings before him as he may think just.

Proviso: Judge may stay proceedings in case of incorrect statement.

Proof, &c., requisite for obtaining grant to party not next of kin to intestate.

27. When application shall be made for Letters of Administration by any person not entitled to the same as next of kin to the deceased, the next of kin or others having or pretending interest in the personal estate of the deceased resident in Upper Canada, shall be cited or summoned to see the proceedings, and to shew cause, if any they have, why the Administration should not be granted to the person applying therefor; and if neither the next of kin nor any person of the kindred of the deceased happen to reside in Upper Canada, then a copy of such citation or summons shall be served or published in such manner as may be provided for by the rules and orders under this Act: Provided that if the next of kin, usually residing in Upper Canada and regularly entitled to administer, shall happen to be absent from Upper Canada, it shall be lawful for the Surrogate Court having jurisdiction in the matter, in its discretion, to grant a temporary Administration, and to appoint the applicant, or such other person as the Court shall think fit, to be Administrator of the personal estate of such deceased person for a limited time, or to be revoked upon the return of such nearest of kin as aforesaid; and the Administrator so appointed shall give such securities as the Court shall direct, and shall have all the rights and powers of a general Administrator, but shall be subject to the immediate control of the Court.

Proviso: temporary administration in certain cases.

Security to be given.

As to transmission of notice of application for grants of Probate, &c., to Surrogate Clerk by Re-

28. Notice of every application to any Surrogate Court for the grant of Probate or Administration shall be transmitted by the Registrar of the Court to the Surrogate Clerk in Chancery by the next post, by letter post paid, after such application shall have been made, and such notice shall specify the name and description or addition, if any, of the testator or intestate,

the

the time of his death, and the place of his abode at his decease, as stated in the affidavit or affidavits made in support of such application, and the name of the person by whom the application has been made, and such other particulars as may be directed by rules or orders under this Act; and (unless upon special order or decree of such Surrogate Court) no Probate or Administration shall be granted in pursuance of such application until such Registrar shall have received a certificate, under the hand of the Surrogate Clerk, that no other application appears to have been made in respect of the goods of the same deceased person, which certificate the said Surrogate Clerk shall forward as soon as may be to such Registrar, and all notices in respect of applications in the several Surrogate Courts shall be filed and kept by the said Surrogate Clerk; and the Surrogate Clerk shall, with reference to every such notice, examine all notices of such applications which may have been received from the several other Surrogate Court Registrars, so far as it may appear necessary, to ascertain whether or no application for Probate or Administration in respect of the goods of the same deceased person may have been made in more than one Surrogate Court, and shall communicate with the Surrogate Court Registrars as occasion may require in relation to such applications; and in case it shall appear by the certificate of the Surrogate Clerk that application for Probate or Administration has been made to two or more Surrogate Courts, the Judges of such Courts respectively shall stay proceedings therein, leaving the parties to apply to one of the Judges of the said Court of Chancery to give such direction in the matter as to him may seem necessary; And on application made to any one of such Judges, he shall enquire into the matter in a summary way, and adjudge and determine what Surrogate Court has jurisdiction, and shall proceed in the matter; and such Judge of the Court of Chancery shall have power to order costs to be paid by any of the applicants (the order to be enforced by the Court of Chancery), and the determination of such Judge shall be final and conclusive. So soon as may be after such determination shall be made, the Surrogate Clerk shall transmit a certified copy thereof to the Registrars of the several Surrogate Courts wherein such applications as aforesaid shall have been made.

gistrars, and proceedings in respect to the same and to adverse applications.

Proceedings if application has been made to more than one Surrogate Court.

Decree as to what Court shall have jurisdiction.

To be transmitted to the proper Surrogate Courts.

99. Caveats against the grant of probate or administration may be lodged with the Surrogate Clerk or with the Registrar of any Surrogate Court, and subject to any rules or orders under this Act, the practice and procedure under such Caveats shall as near as may be correspond with the practice and procedure under Caveats now in use in Her Majesty's Court of Probate in England; and immediately on a Caveat being lodged in any Surrogate Court, the Registrar of such Court shall send a copy thereof to the Surrogate Clerk to be entered among the Caveats lodged with him, and upon notice of application by the Registrar of a Surrogate Court under the previous

As to caveats, where to be lodged and proceedings in respect to.

Notice of caveat to be sent by the Registrar to the Surrogate Clerk.

previous section being received, the Surrogate Clerk shall forward so soon as may be to such Registrar notice of any Caveat that may have been so lodged as aforesaid touching such application, such notice to accompany or be embodied with the certificate mentioned in the next preceding section.

Registrars to transmit to Surrogate Clerk list of Probates, &c.

30. On the first Tuesday of every month, or oftener if required by any rule or order to be made under this Act, every Registrar of a Surrogate Court shall transmit by mail to the Surrogate Clerk a list in such form and containing such particulars as may from time to time be required by such rules and orders of the grants of Probates and administration made by such Surrogate Court up to the last preceding Saturday, and not included in any previous return, and also a copy certified by such Registrar to be a correct copy of every will to which any such Probate or administration relates, and such Registrars shall in like manner make return of every revocation of a Probate or administration.

Registrars to preserve testamentary instruments, papers, &c.

31. The Registrar of every Surrogate Court shall file and preserve all original wills and testamentary instruments of which Probate or letters of administration with the will annexed may be granted in such Surrogate Court, and all other papers used in any matter in such Court subject to such regulations as may from time to time be made by any rules or orders under this Act in relation to the due preservation thereof, and the convenient inspection of the same.

Where a will affecting real estate is proved in solemn form, or is the subject of contentious proceedings, heirs, &c., may be cited, but not necessarily so, save on order of Court.

32. Where proceedings are taken under this Act for proving a will in solemn form or for revoking the Probate of a will on the ground of the invalidity thereof, or where in any other contentious cause or matter under this Act the validity of a will is disputed, unless in the several cases aforesaid the will affects only personal estate, the heir or heirs at law, devisees or other persons having or pretending interest in the real estate affected by the will, may, subject to the provisions of this Act and to the rules and orders under this Act, be cited to see proceedings or otherwise summoned in like manner as the next of kin or others having or pretending interest in the personal estate affected by a will should be cited or summoned, and may be permitted to become parties subject to such rules and orders and to the discretion of the Court, but nothing herein contained shall make it necessary to cite the heirs at law, or other person having or pretending interest in the real estate of a deceased person unless the Court should, with reference to the circumstances of the case, direct the same to be done.

In actions concerning real estate, Probate, &c., to be *prima*

33. In any Action at Law or Suit in Equity where according to the existing law it would be necessary to produce and prove an original will in order to establish a Devise or other testamentary disposition of or affecting real estate, it shall be lawful

lawful for the party intending to establish in proof such Devise or other testamentary disposition, to give to the opposite party ten days at least before the trial or other proceeding in which the said proof shall be intended to be adduced, notice that he intends at the said trial or other proceeding to give in evidence as proof of the devise or other testamentary disposition, the probate of the will or letters of administration with the Will annexed, or a copy thereof, stamped with the seal of the Surrogate Court granting the same; and in every case such Probate or Letters of Administration or copy thereof, respectively, stamped as aforesaid, shall be sufficient evidence of such will, and of its validity and contents notwithstanding the same may not have been proved in solemn form, or have been otherwise declared valid, in a contentious cause or matter as herein *provided*, unless the party receiving such notice shall, within four days after such receipt, give notice that he disputes the validity of such devise or other testamentary disposition.

facie evidence of will, &c., after certain notice, save where its validity is put in issue.

34. In every case in which in any such action or suit the original will shall be produced and proved, it shall be lawful for the Court or Judge before whom such evidence shall be given to direct by which of the parties the costs thereof shall be paid.

As to costs of proving a will in any action, &c.

35. An official copy of the whole or any part of a will, or an official certificate of the grant of any letters of administration, may be obtained from the Registrar of the Surrogate Court where the will has been proved or the administration granted, on payment of such fees as shall be fixed for the same by the Rules and Orders under this Act.

Official copy of the whole or part of a will may be obtained.

36. Pending any suit touching the validity of the will of any deceased person, or for obtaining, recalling or revoking any Probate or any grant of administration, the Court in which such suit is pending, may appoint an administrator of the personal estate of such deceased person; and the administrator so appointed shall have all the rights and powers of a general administrator other than the right of distributing the residue of such personal estate; and every such administrator shall be subject to the immediate control of the Court and act under its direction; and the Court may direct that such administrator shall receive out of the personal estate of the deceased such reasonable remuneration as the Court thinks fit.

Administration, *pendente lite*, may be granted.

Rights and powers of the administrator.

37. Where administration shall be granted with the Will annexed, bond shall be given to the Judge of the Court as in other cases and with like effect, and except otherwise provided for by this Act or the rules or orders to be from time to time made under this Act, the practice and procedure in respect to such administrations and in respect to such bonds and the assignment thereof shall, so far as the circumstances of the case will admit, be according to the practice in such cases in Her Majesty's Court of Probate in England.

Administration with the will annexed, practice as to, &c.

38.

General power as to appointment of administrator under special circumstances.

38. Where a person has died or shall di intestate as to his personal estate or leaving a Will personal estate, but without having appointed an thereof willing and competent to take probate, or executor shall at the time of the death of such pers sident out of Upper Canada, and it shall appear to to be necessary or convenient in any such case by the insolvency of the estate of the deceased, or oth circumstances, to appoint some person to be the adm of the personal estate of the deceased or of any pa personal estate other than the person who if this A been passed would by law have been entitled to administration to such personal estate, it shall not be upon the Court to grant administration of the perso of such deceased person to the person who if this A

Discretionary power of Court as to who shall be appointed.

passed would by law have been entitled to a grant t it shall be lawful for the Court in its discretion to ap person as the Court shall think fit upon his giving curity (if any) as the Court shall direct, and every s nistration may be as limited as the Court shall think

After grant of administration, no person to act as executor.

39. After any grant of administration no pe have any power to sue or prosecute any suit, or oth as executor of the deceased as to the personal estate in or affected by such grant of administration until s nistration shall have been recalled or revoked.

Revocation of temporary grants of administration not to prejudice actions or suits.

40. Where before the revocation of any temp ministration any proceedings at law or in equity commenced by or against any administrator so appo Court in which such proceedings are pending may a suggestion be made upon the record of the revocati administration, and of the grant of probate or adm which shall have been made consequent thereupo proceedings shall be continued in the name of the new or administrator in like manner as if the proceedings originally commenced by or against such new ex administrator, but subject to such conditions and va any, as such Court may direct.

Payments under Probates or Administration afterwards revoked to be valid.

41. Where any probate or administration is revo this Act, all payments *bonâ fide* made to any execu ministrator under such probate or administration revocation thereof, shall be a legal discharge to t making the same; and the executor or administr shall have acted under any such revoked probate or tration may retain and reimburse himself in respe payments made by him which the person to whom administration shall be afterwards granted might h fully made.

Persons, &c., making payment upon Probate granted, to be indemnified, &c.

42. All persons and corporations making or permitting to be made any payment or transfer *bonâ fide* upon any probate or letters of administration granted in respect of the estate of any deceased person under the authority of this Act, shall be indemnified and protected in so doing, notwithstanding any defect or circumstance whatsoever affecting the validity of such probate or letters of administration.

Right of Executor renouncing Probate, to cease absolutely.

43. Where any person after the commencement of this Act renounces probate of the Will of which he is appointed executor or one of the executors, the rights of such person in respect of the executorship shall wholly cease and the representation to the testator and the administration of his effects shall and may without any further renunciation go, devolve and be committed in like manner as if such person had not been appointed executor.

Repeal of certain provisions requiring sureties to Administration bonds.

44. So much of an Act passed in the twenty-first year of King Henry the Eighth, chapter five, and of an Act passed in the twenty-second and twenty-third years of King Charles the Second, chapter ten, and of an Act passed in the first year of King James the Second, chapter seventeen, as requires any surety, bond or other security to be taken from a person to whom administration shall be committed, shall henceforth cease to extend to or be in force in Upper Canada.

Persons receiving grants of Administration to give bonds, &c.

45. Every person to whom any grant of administration shall be committed shall give bond to the Judge of the Surrogate Court, from which such grant is made, to enure for the benefit of the Judge of such Court for the time being (or in case of the separation of Counties, to enure for the benefit of any Judge of a Surrogate Court to be named by the Court of Chancery for that purpose) with one or more surety or sureties as may be required by the Judge of such Court, conditioned for the due collecting, getting in and administering the personal estate of the deceased, which bond shall be in such form as may be prescribed by the Rules and Orders under this Act, and in cases not provided for by such Rules and Orders, such bond shall be in *such* form as the Judge of the Surrogate Court shall by special order direct.

Penalty in bonds, &c., and as to dividing liability of sureties.

46. Such bond shall be in a penalty of double the amount under which the estate and effects of the deceased shall be sworn, unless the Judge shall in any case think fit to direct the same to be reduced, in which case it shall be lawful for the Judge so to do, and the Judge may also direct that more bonds than one shall be given so as to limit the liability of any surety to such amount as the Judge shall think reasonable.

Power of Surrogate Courts as to assignment of bonds.

47. The Judge of every Surrogate Court may, on application made on motion or petition in a summary way, and on being satisfied that the condition of any such bond has been broken

Judge may order an allowance to be made to Executor or Administrator out of the estate, for his trouble.

broken, order the Registrar of the Court to assign the same to some person to be named in such order, and such person, his executors or administrators shall thereupon be entitled to sue on the said bond in his own name both at law and in equity as if the same had been originally given to him, instead of to the Judge of the Court, and shall be entitled to recover thereon, as Trustee, for all persons interested, the full amount recoverable in respect of any breach of the condition of the said bond, and all bonds heretofore given or taken in any Surrogate Court, and now in force, may in like manner be assigned under the authority of the Judge of a Surrogate Court, and the assignee shall be entitled to sue and recover thereon in his own name, and the same may be enforced in the same way and to the same extent as bonds given under this Act. And the Judge of any Surrogate Court may allow to the executor or trustee or administrator acting under Will or Letters of Administration, a fair and reasonable allowance for his care, pains and trouble and his time expended in or about the Executorship, Trusteeship or administration of the Estate and effects vested in him under any Will or Letters of Administration, and in administering, disposing of and arranging and settling the same, and generally in arranging and settling the affairs of the estate, and therefor may make an order or orders from time to time, and the same shall be allowed to an Executor, Trustee or Administrator in passing his accounts.

As to fees to be taken by officers on account of Fee Fund.

48. The fees mentioned in the Schedule to this Act marked A shall be payable on proceedings under this Act and shall be collected by the Surrogate Clerk and Registrars of Surrogate Courts respectively, and shall belong to and form part of the general fee fund for local Courts and be applied towards payment of money authorized to be disbursed under this Act, and if such fee fund be not sufficient for the payment of the same, the Governor may issue his warrant on the Receiver General for the deficiency; and the amount of such warrant shall be charged on the Consolidated Revenue Fund of this Province;

Accounts to be kept, &c.

And the said Surrogate Clerk and Registrars of Surrogate Courts respectively shall keep an account of such fees and shall render an account of and pay over the amount of such fees in like manner as Clerks of County Courts are required to do in respect to collections for the fee fund in each county

Certain enactments extended to Surrogate Clerk, Registrars, &c.

and under the same securities, liabilities and conditions, and the existing provisions of law in relation to receiving, accounting for and paying over fees and to the responsibilities and duties of County Court Clerks, shall extend and apply to the said Surrogate Clerk and Registrars of Surrogate Courts respectively, as fully as if the same had been herein contained and re-enacted, and this enactment shall also extend and apply to County Attornies, and the County Attorney for the United Counties of York and Peel shall be the receiver of fees from the Surrogate Clerk at Toronto.

As to fees to be taken by Judges and officers, &c., to their own use.

49. The Judges of the several Surrogate Courts may demand and take to their own use the fees mentioned in the Schedule to this Act marked B, and such fees shall be collected by the Registrars of the said Courts on or before each proceeding and paid over to the said Judges, and annual returns of such fees up to the thirty-first day of December in each year shall be made by such Registrars on or before the first day of February in each year; and the Registrars and Officers of the said Surrogate Courts and Attorneys and Barristers respectively practising therein, shall be entitled to take for the performance of duties and services under this Act, such fees as shall be fixed under the provision hereinafter contained.

Judges may, under sect. 14, fix and limit amount of fees, &c.

50. The Judges to be appointed under the fourteenth section of this Act, or any two of them, shall as soon as conveniently may be after the passing of this Act, fix a table of fees to be taken by the Registrars and officers of the Surrogate Courts, and by Attorneys and Barristers practising therein in respect to business under this Act, and of fees to be payable in respect of searches, inspection and copies of and extracts from records, wills and other documents in the custody of or under the control of the said Surrogate Courts respectively, and the said Judges, or any two of them, may from time to time, after this Act shall come into operation, add to, reduce, alter or amend such table or tables as they shall see fit. And no other fees than those specified and allowed in such tables of fees shall be taken or received by such Registrars, Officers, Attorneys and Barristers respectively.

No other fees to be taken.

As to taxation of costs.

51. The bill of any Attorney for any fees, charges or disbursements in respect of any business transacted in a Surrogate Court, whether contentious or otherwise, or any matter connected therewith, shall as well between Attorney and Client as between party, and party be subject to taxation in such Surrogate Court, and the mode in which such bill shall be referred for taxation, and by whom the costs of taxation shall be paid, shall be regulated by the rules and orders to be made under this Act, and the certificate of the Registrar of the amount at which such bill is taxed shall be subject to appeal to the Judge of the Court.

Registrar to have office, if room, in Court House, and his office to be a depository for the wills of living persons.

52. The Registrar of every Surrogate Court shall hold his office in the Court House of the County, and a room therein shall be provided for that purpose, and in the event of there being no room in the Court House, every such Registrar shall, until such room be provided, hold his office at such place as the Judge of the Court shall direct, and the office of every Registrar shall be a depository for all such wills of living persons as shall be given to every such Registrar for safe keeping, and all persons may deposit their wills in such depository upon payment of such fees and under such regulations as may from time to time be directed by rules or orders in that behalf made under this Act.

Existing grants of Probate or Administration void or voidable, because obtained from wrong Court, declared valid, and affidavits, &c., heretofore taken before Commissioners in Q. B, good.

53. All grants of probate or administration made before the commencement of this Act which may be void or voidable by reason only that the Courts from which respectively the same were obtained, had not jurisdiction to make such grants, shall be valid as if the same had been obtained from Courts entitled to make such grants: provided that any such grants of probate or administration shall not be made valid by this Act, when the same shall be before the commencement of this Act have been revoked or determined by any Court of Competent jurisdiction to have been void: nor shall this Act prejudice or affect any proceeding pending at the time of the passing of this Act, in which the validity of any such probate or administration shall be in question; if the result of such proceeding shall be to invalidate the same, such probate or administration shall not be rendered valid by this Act, and if such proceeding shall abate or become defective by reason of the death of any party, any person who but for this Act would have any right by reason of the invalidity of such probate or administration, shall retain such right, and may commence proceedings for enforcing the same within six calendar months after the death of such party; And provided that any affidavit or bond, which has been received and allowed before the passing of this Act, in the Court of Probate or in any Surrogate Court, taken before a Commissioner for taking affidavits in either of the Superior Courts of Common Law, shall be valid and effectual to all intents and purposes.

Proviso.

As to effect of grants of Probate or Administration before passing of this Act.

54. Legal grants of Probate and Administration made before the commencement of this Act, and grants of probate and administration made legal by this Act shall have the same force and effect as if they had been granted under this Act; Provided that where any probate or administration has been granted before the commencement of this Act, and the deceased had personal estate in Upper Canada not within the limits of the jurisdiction of the Court, by which such probate or administration was granted, or otherwise not within the operation of the grant, it shall be lawful for the Court to which, under this Act, an original application for probate or administration might be made, to grant probate or administration only in respect of such personal estate not covered by any former probate or administration, and such grant shall be limited accordingly.

Judge of present Probate Court and others to hand over wills, papers, &c., to Court of Chancery.

55. The Judge of the Court of Probate for Upper Canada, the Registrar thereof, and every person having the custody of books, documents and papers, of or belonging to the said Court, shall, forthwith after this Act comes into force, transmit to the Court of Chancery all books, records, wills, grants, probates, letters of administration, administration bonds, notes of administration, Court books, deeds, processes, Acts, proceedings, writs, documents and every other instrument, relating exclusively or principally to matters and causes testamentary, to be deposited in the said Court of Chancery, so as to be easy of reference under the control and direction of the Court.

56.

matters which at the commence- Original suits, &c., pending in Court of Probate transferred to Surrogate Court of York and Peel.
ding in the Court of Probate for
ferred with all proceedings therein
urt for the Counties of York and
h and decided according to the
s Act, and such Surrogate Court
d authority for the determination

appeal from the Surrogate Court, Suits by way of appeal in Court of Probate transferred to Chancery.
t of this Act shall be pending in
e transferred with all proceedings
cery, there to be dealt with and
ctice of the said Court, as shall
peal to the said Court of Probate
e.

e Court of Probate on the grant Bonds taken in Court of Probate may be assigned by order of Chancery.
e at the time this Act comes into
ery may order to be assigned and
in the name of the assignee under
t of Chancery, in the same way
assignment of bonds in the Surro-

shall extend or be construed to Surrogate Courts not to be deemed new Courts; officers and suits, &c., to continue.
e Courts, held under the provisions
annul or make void any existing
f any Judge of the said Surrogate
f the County Court, or of any Re-
but they shall be taken to be to
same Courts as if they had conti-
visions of the Act hereby repealed;
istrars shall continue to discharge
d all suits and matters pending in
ct comes in force, shall be con-
f this Act.

passing of this Act, the Senior Judge of County Court to be *ex officio* Judge of Surrogate, &c.
n each County, shall be *ex officio*
rt for the County, and in case of
Judge of a Surrogate Court, the
ne in the County) of the County
shall have all the powers and pri-
uties of the Judge of the Surrogate
absence, as is now provided for
or absence of the Judge of the
n the death, resignation or removal
of the County Court shall be *ex*
ty.

Nuncupative will not good, &c.

61. No nuncupative Will, made after this Act comes in force, shall be good, provided that any Soldier, being in actual Military Service, or any Mariner or Seaman, being at sea, may dispose of his personal estate in such manner as he may now do according to the Laws of England.

And with respect to the appointment, control and removal of guardians by the Surrogate Court, Be it enacted as follows:

In matters of guardianship, Courts to have same powers for examination of witnesses and enforcing decrees, &c., as in testamentary matters.

62. In all matters and applications touching or relating to the appointment, control or removal of guardians of infants (such infants not having a father living or any legal guardian authorized by law to take the care of their persons and the charge of their estates), and the security to be given by such guardians and otherwise, the several Surrogate Courts shall have the like powers, jurisdiction and authority as are given to them by this Act in matters testamentary for the examination of witnesses, the production of deeds and writings, and generally for the enforcing of all orders, decrees and judgments made or given by such Surrogate Courts in respect to the appointment, control and removal of guardians as aforesaid, and such orders, decrees and judgments may be appealed from to the Court of Chancery in the manner hereinbefore provided for appeals in matters testamentary.

To what Court the right of appointing guardians shall belong.

63. The right of appointing guardians shall belong exclusively to the Surrogate Court for the County within which any such infants shall reside, and letters of guardianship granted by a Surrogate Court shall have force and effect in all parts of Upper Canada, and an official certificate of the grant may be obtained as in the case of letters of administration, and a return of every appointment and removal of a guardian shall be made by Registrars respectively to the Surrogate Clerk in like manner as in case of grants of probate or administration.

Procedure under 8 Geo. 4, c. 6, to be the same as in testamentary matters, &c.

64. The practice and procedure under the Act of the Parliament of Upper Canada, passed in the eighth year of the Reign of King George the Fourth, chapter six, intituled, *An Act respecting the appointment of Guardians*, shall, except where otherwise provided for by Rules or Orders under this Act, conform, as nearly as the circumstances of the case will admit, to the practice and procedure prescribed by this Act for the said Surrogate Courts, and all the powers given by the several sections of this Act, to the Judges to be appointed under the fourteenth section, may from time to time be exercised by them, for the purpose of simplifying and expediting the proceedings under the said Act of George the Fourth, and fixing and regulating the fees to be taken by Officers and by Attorneys and Counsel respectively for business and proceedings done and taken under the said last mentioned Act.

And with respect to the powers and jurisdiction generally given to the Surrogate Courts, Be it enacted, as follows:

65.

Judge appointed under the four- all extend and apply to the making nd Orders for regulating, simplify- gs in the Surrogate Courts, and fix- be taken as aforesaid, under any Act of the Parliament of Upper giving powers or jurisdiction to the he Judges thereof.

Procedure in other matters of jurisdiction may be regulated by rules made under sect. 14.

of the Court of Probate and also rrogate Courts, who are not Judges e superseded by the provisions of ke some provision for them—

Brough, the Judge of the said Court receive a gratuity not exceeding the m for the last preceding five years; rogate Court who will by the provi- , shall be entitled to receive a gratu- of fees received by him for the last e shall not have held office for that he amount of fees received by him three years; and the said several e general Fee Fund at such times Governor may direct. Provided h, shall hereafter be appointed to ment of this Province, the salary hall amount to double the sum of thenceforward cease and wholly

Allowances to Judges of Probate or Surrogate Courts superseded by this Act.

Proviso.

of this Act, unless the context the meaning hereby assigned— " testament," and all other tes- ich probate may now be granted— mprehend all letters of adminis- eceased persons whether with or and whether granted for general —" matters and causes testamen- matters and causes relating to the obate of wills or letters of admi- business " shall mean the business inistration where there is no con- eto, including the passing of Pro- rough a Surrogate Court when the all business of a non-contentious rogate Court in matters of testacy ceedings in any suit, and also the s against the grant of Probate or ' shall comprehend two or more purposes, and the Rules of con- Interpretation Act shall be appli-

Interpretation clause.

Will.

Administration.

Matters and causes testamentary.

Common Form Business.

County.

Interpretation Act to apply.

Repeal of—

33 G. 3, c. 8;

And part of 8 G. 4, c. 6. Sect. 7 of 16 V. c. 19;

And of all enactments inconsistent with this Act.

68. From the time when this Act shall commence and take effect, the whole of an Act of the Parliament of Upper Canada, passed in the thirty-third year of King George the Third, Chapter eight, intituled, *An Act to establish a Court of Probate in this Province, and also a Surrogate Court in every District thereof*, the fourth, fifth and sixth sections of an Act passed in the eighth year of King George the Fourth, chapter six, intituled, *An Act respecting the appointment of Guardians*, and so much of the said last mentioned Act as relates to or confers any authority on the Court of Probate, and also the seventh section of the Act passed in the sixteenth year of the Reign of Her present Majesty, chaptered nineteen, and intituled, *An Act to repeal the Acts therein mentioned, and to improve the law of evidence in Upper Canada*, together with all other Acts or parts of Acts of the Parliament of Upper Canada, or of this Province, at variance or inconsistent with the provisions of this Act, shall be and the same are hereby repealed, except so far as the said Acts or any of them, or any thing therein contained, repeal any former Act or Acts or any part thereof, all which said last mentioned Acts shall remain and continue so repealed, and excepting also so far as the said Acts or parts of Acts hereby repealed and provisions thereof or any of them, shall and may be necessary for supporting, continuing and upholding any proceedings that shall have been had or taken before the commencement of this Act.

Exceptions to repeal.

When this Act shall come into operation.

69. This Act shall come into operation on the first day of September next, except the provisions contained in the fourteenth and fiftieth sections which shall come into operation on the passing of this Act.

Short Title of this Act.

70. In citing this Act in any instrument or document of proceeding, it shall be sufficient to use the expression "the Surrogate Courts Act 1858."

SCHEDULE A.

Fees to belong to and to be paid over to fee fund.

TO BE RECEIVED BY REGISTRARS.

On every application for Probate or administration or for guardianship (including notice thereof to Surrogate Clerk, but not postage).....	50 cents.
On certificate of Surrogate Clerk upon such application (including transmission to Registrar, but not postage).....	50 cents.
On every instrument or process with Seal of Court,	50 cents.
Entry and notification of Caveat, not including postage.....	50 cents.

On

On every Grant of Probate or Administration, as follows viz:	
Where property devolving is under $1,200	$1
Where property devolving is from $1,200 to $4,000	$2
Where property devolving is above $8,000	$3
On every final Judgment in contentious or disputed case	$1
On deposit of wills for safe custody, each	50 cents.

TO BE RECEIVED BY SURROGATE CLERK.

On every search for grant of Probate, administration, guardianship or other matter in clerk's office (other, than searches on applications of registrars)	50 cents.
On every certificate of search or extract (if exceeding three folios, per folio 10 cents.)	50 cents.
On every order made on application to a Judge in Chancery and transmission of same, exclusive of postage	50 cents.
On entry of every appeal	50 cents.
On every decree on appeal and transmission, exclusive of postages	$2
On entry of Caveat	50 cents.

SCHEDULE B.

Fees allowed to Judge.

On every grant of Probate or administration where property devolving is under $1200, the sum of $2; from $1200 to $4000, the sum of $3; where above $8000, the sum of $7; on every appointment of a guardian, $2; on every order, 50 cents; on every special attendance or purpose of audit, $1; for every days sittings in contentious or disputed cases, $2; together with 20 cents per folio on evidence, if taken, before Judge.

CAP. XCIV.

An Act to extend the provisions of the Act to amend the Law for the admission of Attorneys.

[*Assented to 16th August*, 1858.]

Preamble. WHEREAS it is expedient to extend the provisions of the Act passed in the twentieth year of Her Majesty's Reign, intituled, *An Act to amend the Law for the admission of Attorneys:* 20 V. c. 63. Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Where certain requisites of 1. Whenever by reason of the expiration of the period of contract of service during any Term of Hilary, Easter, Trinity

or

20 V. c. 63, cannot be complied with, Law Society, upon proof furnished, may afford relief and examine the applicant; but certificate cannot be granted until the Articles, Affidavits, &c., have been left with Secretary of Law Society.

or Michaelmas, it shall be impossible for any applicant for examination and admission under the said Act to comply with the requisites of the said Act, in respect to the leaving of the contract of service and any assignment thereof, together with the affidavit of due execution thereof, and of due service thereunder, with the Secretary of the Law Society of Upper Canada, fourteen days next before the first day of any such Term, it shall be lawful for the Law Society of Upper Canada, upon satisfactory proof that the day of expiration of such contract of service has not arrived, but will arrive previously to the last Thursday in the then present Term of Hilary, Easter, Trinity or Michaelmas, in which such applicant seeks admission, and upon being satisfied in all other requisites of the said Act, to proceed to the examination of such applicant notwithstanding such service not having been completed: but no certificate of due service, fitness and capacity shall be issued by the Law Society as required by the said Act, until the said contract of service and affidavits, and all other documents required by the said Act have been left with the Secretary of the Law Society of Upper Canada; Provided that this Section shall apply only to such persons as have entered into contracts of service prior to the first day of July, one thousand eight hundred and fifty-eight.

Proviso: to apply only to contracts of service made before 1st July, 1858.

In lieu of certain certificates required by sect. 5 of 20 V. c. 63, applicant to make an affidavit that no application has been made against him.

2. It shall not be requisite for any applicant under the Fifth Section of the said Act to produce a certificate under the seal of any of the Societies or Inns of Court in England, Scotland, or Ireland, duly authorized in that behalf, when such applicant shall have been called to the Bar, or of any such Court or Courts, and duly attested under the hand of the proper Officer of such Society or Inn of Court, or of such Court or Courts, to the effect that the said applicant was at the date thereof on the Books of the said Society or Inn of Court, or on the Roll of Attorneys or Solicitors of such Court or Courts, and that no application to any of the Societies or Inns of Court, or to any of the Court or Courts in the said section mentioned, had been made since his admission thereto against such person for misconduct in such his capacity of Attorney or Solicitor; neither shall it be necessary to produce a certificate under the hands of two or more persons of the good moral character of the applicant, but in lieu thereof shall be left with the Secretary of the Law Society of Upper Canada, contemporaneously with the several certificates of such applicant having been called to the Bar, or of his admission and enrolment as an Attorney or Solicitor as in the said section mentioned, an affidavit of such applicant, to the satisfaction of the Law Society of Upper Canada, that no application, (in the case of a Barrister to any Society or Inn of Court, and in the case of an Attorney or Solicitor to any such Court or Courts, as the case may be,) has been made since his admission thereto against such person to disbar him or to strike him off the rolls of any such Court, or otherwise to disqualify him from further practice for misconduct in

arrister, Attorney or Solicitor:
y of Upper Canada may, in any
ar to them expedient for purposes
gation, suspend for a period not
ir final decision in respect to the
tificate: and provided also that
also apply to persons heretofore
be called to the Bar in Upper

Proviso: that Law Society may suspend their decision 12 months, when enquiry is deemed expedient.

eventh and eighth sections of the
y require the filing of the contract
ed within three months after the
not apply to contracts of service
ing of the said Act and the first
ght hundred and fifty-eight: and
tered into such contract of service
id recited Act and the first day of
dred and fifty-eight, shall have
iled the affidavits required by the
ns of the said recited Act, within
m the true date thereof as therein
that such affidavit shall be so
day of January, one thousand

Time for filing articles and affidavits extended to 1st January, 1859.

retofore, or who shall hereafter,
ct of service shall be admitted
ore such contract and affidavit
thereof, so marked respectively
this present Act required, shall
w Society of Upper Canada in
in the said recited Act, and also
ss the said contract of service,
r any of them cannot be produced,
iety of Upper Canada may, on
e made to them at least fourteen
of the Term in which any appli-
being satisfied of such fact, in
the production thereof; and the
of Upper Canada of such dispen-
of the production of the required
y assignment thereof under the
the said Act amended.

Where articles or affidavit or any assignment cannot be produced, Law Society, on proof made, may dispense with their production.

ing of this Act, no person shall
licitor of any Court of Law or
shall, either in his own person,
gent, or in the name of any other
ly or indirectly hold, possess,
any of the offices of Clerk of the
Courts of Queen's Bench and
Common

Parties holding certain offices disqualified from practising as Attorneys or Solicitors.

Common Pleas, Deputy Clerk of the Crown and Pleas of any County or Union of Counties, Registrar of the Court of Appeals, Clerk of the County Court, Clerk of a Division Court, or Registrar of any County, or Union of Counties, in Upper Canada; and every such person so practising shall be subject to the forfeiture of such office, and shall, in addition thereto, be subject to a penalty of Five Hundred Pounds, to be recovered in an action of debt in Her Majesty's Court of Queen's Bench for Upper Canada, to the use of Her Majesty, Her Heirs and Successors; Provided always that nothing herein contained shall be construed to extend to any Deputy Master or Deputy Registrar of the Court of Chancery.

Penalty for practising in contravention of this Act.

Proviso.

Repeal.

6. The Twelfth Section of the said Act is hereby repealed.

CAP. XCV.

An Act to provide for the establishment of separate Registry Offices in Cities, Junior Counties and Ridings of Counties in Upper Canada.

[*Assented to* 16*th August*, 1858.]

Preamble.

WHEREAS it would tend to facilitate the transfer of Real Estate and to the convenience of inhabitants of Cities and of Junior Counties and Ridings of Counties not set apart for Judicial and Municipal purposes if Registry Offices were established therein respectively from time to time, as the necessity therefor may appear: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Governor may, by proclamation, establish a Registry Office in any City, Junior County or Riding of a County;

1. It shall be lawful for the Governor of this Province, so often as he shall deem the circumstances of any City, or of any Junior County of an Union of Counties, or Riding of a County or Counties not set apart for Judicial or Municipal purposes, such as to call for or render expedient and advisable the establishment therein of a separate Registry Office for the registration of Deeds, Conveyances, Wills, Judgments and other documents or incumbrances which may affect any lands, tenements or hereditaments within such City or Junior County or Riding of a County or Counties, by an Order in Council to cause to be issued a Proclamation under the Great Seal of this Province, and thereby to set apart and establish a Registry Office for such City or Junior County or Riding of a County or Counties, and in the case of a Junior County or Riding of a County or Counties, to name some place where the Office of the Registrar shall be held until the dissolution of such Union of Counties or erection of such Riding into a separate County and the fixing therein of a County Town, when such Registry Office shall be removed to and kept in such County Town.

And appoint the place thereof in a Junior County or Riding.

2.

2. Upon the issuing of any such Proclamation all Acts and parts of Acts, and Provisions of Law in force at the time thereof in reference to the establishment of Registry Offices within Upper Canada, or in connection therewith, and all laws in reference to the registration of Deeds or other instruments affecting real estate shall, except in so far as the same may be inconsistent with the provisions of this Act, apply to Registry Offices, set apart and established under this Act. Provided always that the word "County" in the said several Acts contained shall, for the purposes of this Act, mean and include a City, as well as a Junior County or a Riding of a County or Counties for which a separate Registry Office shall be established under this Act; and the duties imposed upon Municipal Councils shall, in the case of such Junior County or Riding, be discharged by the Municipal Council of the Counties of which such Junior County or Riding shall form part, and in the case of a City by the Municipal Council of such City.

All Acts in force respecting Registry Offices, to apply to those established under this Act.

Proviso.

CAP. XCVI.

An Act for abolishing arrest in Civil Actions in certain cases, and for the better prevention and more effectual punishment of fraud.

[*Assented to* 16*th August*, 1858.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Abolition of arrest for debt, except as herein provided.

1. After the first day of September, in the year of Our Lord, one thousand eight hundred and fifty-eight, no person shall be arrested upon mesne or final process in any civil action in any of Her Majesty's Courts in Upper Canada, except in the cases and in the manner hereinafter provided for.

In certain cases, defendant may be held to bail on affidavit of certain facts and order of a Judge: Ca. Res. may issue on such order within a limited time.

2. If any party or plaintiff being a creditor of or having a cause of action against any person now liable to arrest, whether upon the order of a Judge or without such order, shall, by the affidavit of himself or of some other individual, show to the satisfaction of a Judge of either of the Superior Courts of Common Law at Toronto, that such party or plaintiff has a cause of action against such person to the amount of twenty-five pounds or upwards, or has sustained damage to that amount, and shall also by affidavit show such facts and circumstances as shall satisfy the said Judge, that there is good and probable cause for believing that such person, unless he be forthwith apprehended, is about to quit Canada with intent to defraud his creditors generally or the said party or plaintiff in particular, it shall be lawful for any such Judge by a special order to direct that the person against whom such application shall be made, so about to quit Canada with intent as aforesaid,

aforesaid, shall be held to bail for such sum as such Judge shall think fit, and thereupon it shall be lawful for such party or plaintiff, within the time which shall be expressed in such order but not afterwards, to sue out a writ of capias and one or more concurrent writs of capias in either of the said Superior Courts against the person so directed to be held to bail: Provided always that nothing in this Act contained shall subject any person to arrest who by reason of any privilege, usage or otherwise may now by law be exempt therefrom: And provided also that it shall not be necessary that any such affidavit shall be at the time of the making thereof, entitled of or in any Court, but that the style and title of the Court may be added at the time of suing out the process, and shall be that of the Court out of which the process is issued, and that such style and title when so added, shall be, for all purposes and in all proceedings whether civil or criminal, taken and adjudged to have been part of the affidavit *ab initio*.

Privileged persons not affected.

Affidavit need not be at first entitled of any Court.

Special bail may be put in, and declaration filed, &c.

3. Special bail may be put in and perfected according to the practice now in force; and after special bail is so put in, the plaintiff may proceed by filing a declaration or otherwise to judgment, in like manner as if the action had been commenced by writ of summons and the defendant had appeared thereto.

Ca. Res. may be taken out before judgment on Judge's order obtained as in sect. 2, in action commenced by summons.

Form and service of such Writ.

4. It shall be lawful for the plaintiff, after the commencement of any action by writ of summons, but before judgment, upon obtaining a Judge's order for that purpose in the manner provided for in the second section of this Act, to sue out of the office whence such summons issued a writ of capias and one or more concurrent writs in manner directed by "The Common Law Procedure Act, 1856," which writ of capias in every such case shall be in the form contained in Schedule (A) to the said Act annexed and marked No. 6, and may be directed to the Sheriff of any county or union of counties in Upper Canada, and so many copies of such writ, with every memorandum or notice subscribed thereto and all endorsements thereon, as there may be persons intended to be arrested thereon, shall be delivered with such writ to the Sheriff or other officer who may have the execution or return thereof, and who shall immediately upon or after the execution thereof, cause one such copy to be delivered to every person upon whom such process shall be executed by him, and shall indorse upon such writ the true day of the execution thereof, within three days at farthest after such execution; and the proceedings in any such action may be carried on to judgment without regard to the issuing of such *Capias* or to any proceedings in any way arising from or dependent thereon—and on entering judgment the plaintiff shall be entitled to tax the costs of such writ or writs of *Capias* and the proceedings thereon in like manner as if the suit had been originally commenced by *Capias*, together with the other costs incurred and taxable in the cause:

Costs.

Provided

Writ to issue from the same Court as the Writ of Summons.

Provided always that notwithstanding any thing contained in the *fourth* section of "The Common Law Procedure Act, 1856," such writ shall be issued in the Court out of which the original writ in the cause was sued out.

Defendant must be arrested within one month from date of Writ, &c.

5. The Sheriff or other officer to whom any such writ of Capias shall be directed shall, within two calendar months after the date thereof, but not afterwards, proceed to arrest the defendant thereupon, and on such defendant being so arrested subsequent proceedings shall be according to the practice now in force in the said Superior Courts of Common Law.

No new affidavit or order required for Ca. Sa. in cases where Ca. Res. has issued under this Act.

6. In cases in which the Defendant has been held to special bail upon a writ of capias issued on a Judge's order made under this Act, it shall not be necessary before suing out a writ of capias *ad satisfaciendum* to obtain a Judge's order for the issuing thereof, or to make or file any further or other affidavit than that upon which the order authorizing the defendant's arrest was obtained in the first instance; but where the defendant has not been so held to special bail, if the plaintiff in the action shall by the affidavit of himself or some other party, show to the satisfaction of a Judge of either of the said Superior Courts of Common Law that he has recovered judgment against the defendant for the sum of twenty-five pounds or upwards, exclusive of costs, and shall also by affidavit show such facts and circumstances as shall satisfy the said Judge that there is good and probable cause for believing either that the defendant, unless he be forthwith apprehended, is about to quit Canada with intent to defraud his creditors generally or the said plaintiff in particular, or that the defendant hath parted with his property or made some secret or fraudulent conveyance thereof in order to prevent its being taken in execution, it shall be lawful for any such Judge, by a special order, to direct that a *capias ad satisfaciendum* may be issued, and a writ of *capias ad satisfaciendum* may thereupon be issued upon such judgment according to the practice now in force in the said Superior Courts.

How and in what other cases Ca. Sa. may be obtained.

Affidavit.

Order for Ca. Sa.

Writ not renewable, but new order must be obtained.

7. Notwithstanding any thing contained in "The Common Law Procedure Act, 1856," no writ of capias shall be "renewed," but on the expiration thereof a new order may be obtained in manner directed by this Act.

Defendant may apply to a Judge to be discharged from custody.

8. It shall be lawful for any person arrested upon any such writ of capias to apply at any time after such arrest to a Judge of either of the Superior Courts of Common Law at Toronto, or to the Court in which the action shall have been commenced, for an order or rule on the plaintiff, to show cause why the person arrested should not be discharged out of custody; and it shall be lawful for such Judge or Court to make absolute or discharge any such order or rule and to direct the costs of

Power of Judge.

the

the application to be paid by either party, or to make such other order therein as to such Judge or Court shall seem fit; provided that any such order made by a Judge may be discharged or varied by the Court on application made thereto by either party dissatisfied with such order.

Court may discharge or vary Judge's order.

Prisoners on mesne process for debt at the commencement of this Act, entitled to discharge, but may be re-arrested on special order, &c.

9. Every prisoner who, at the time appointed for the commencement of this Act, shall be in custody or on bail upon mesne process for any debt or demand, shall be entitled to be discharged upon entering a common appearance to the action; provided nevertheless that every such prisoner shall be liable to be detained, or after such discharge to be again arrested, by virtue of any such special order as aforesaid, at the suit of the plaintiff at whose suit he was previously arrested or by any other plaintiff.

Orders under sects. 2 and 4 may be made by County Judge.

10. In order to provide an expeditious mode of obtaining process for the arrest of persons and for their discharge if unduly arrested, in cases where process is intended to be sued out or an action has been commenced in either of the Superior Courts, it shall be lawful for the Judge or the acting Judge of any County Court, to make such order as is mentioned in the second and fourth sections of this Act, on the application of any party, or on the application of any plaintiff in any cause in either of Her Majesty's Superior Courts of Common Law at Toronto, upon the same grounds and in the same manner as a Judge of the said Superior Courts might: And such County Judge or acting Judge as aforesaid shall have all the powers given by this Act to a Judge of the said Superior Courts in respect to the making such orders as aforesaid: And the Judge of a County Court making any order as aforesaid shall, in respect to such his order, the writ of capias thereon issued, and the arrest made thereupon, possess all the powers given to a Judge of either of the said Superior Courts under the eighth section of this Act, and may in like manner on application to him, order the defendant to be discharged out of custody, direct the costs of the application to be paid by either party, or make such other order therein as to such County Court Judge shall seem fit.

Powers of County Judge in such cases.

A debtor in custody in execution, may apply to be discharged: and after what notice, &c.

11. Any debtor according to the intent and meaning of "the Common Law Procedure Act, 1856," who shall be confined in close custody in execution at the time of, or after the passing of this Act, may give to the party at whose suit he is a prisoner or to his Attorney, a notice in writing that he will after the expiration of ten days from the day when such notice shall be served, apply to be discharged from custody, and whenever any such debtor shall give such notice, it shall be lawful for the plaintiff at whose suit he is confined, to file interrogatories for the purpose of discovering any property or effects which such debtor may be possessed of or entitled to, or which may be in the possession or under the control of some other

Examination of such debtor as to his property, &c. by interrogatories.

other person for the use or benefit of such debtor, or which such debtor, having been in possession of, may have fraudulently disposed of to injure his creditor, and touching such debtor's estate and effects, and the circumstances under which he contracted the debt or incurred the liability which was the subject of the action in which Judgment was rendered against him, and as to the means and expectations such debtor then had, and as to the property and means he still hath, and as to the disposal he may have made of any of his property, and to serve a copy of such interrogatories on such debtor; or it shall be lawful for the plaintiff, at his option, to cause such debtor to be examined *viva voce* upon oath before the Judge of the County Court, in the County in which such debtor is confined, or before some one to be appointed in that behalf by such County Judge, upon and touching all or any of the matters aforesaid; and such County Judge may issue an order to the Sheriff or Gaoler having the custody of such debtor, to bring such debtor before him or before some person to be named in such order, for the purpose of being so examined, and it shall be lawful for such Sheriff or Gaoler to take such debtor before such Judge or person as aforesaid, for examination under the authority of this Act, in the same manner as if such Sheriff or Gaoler were acting in obedience to a Writ of Habeas Corpus ad testificandum.

Or *viva voce* before County Judge.

Debtor to be taken before the Judge upon his order.

12. After the expiration of ten days from the day of the service of a notice by a debtor of his intention to apply for his discharge from custody under the next preceding section, such debtor may, upon proof of such notice, and upon making oath that he is not worth five pounds exclusive of his necessary wearing apparel, the bed and bedding of such debtor or his family, and one stove and cooking utensils of such debtor, and also the tools and implements of his trade not exceeding the value of fifteen pounds, and that he hath answered all interrogatories which have been filed by the Plaintiff, and hath given due notice of such answers (or if no interrogatories have been served, that he hath not been served with any interrogatories), and that he has submitted himself to be examined pursuant to the order of the County Judge (or if such order has not been served, that he has not been served with any such order), apply to the Court from which the process on which he is confined issued, or to any Judge having authority to dispose of matters arising in suits in such Courts, for a rule or summons to shew cause why he should not be discharged from custody, and upon the return of such rule or summons, and where there are interrogatories if the answers thereto are deemed sufficient by such Court or Judge, or where such examination has taken place if the matter thereof be deemed satisfactory by such Court or Judge, such debtor shall be by rule or order discharged from custody, and such discharge shall have the same and no other effect as a discharge for non-payment of the weekly allowance: Provided that the Court or Judge may, on the return of the

Application of such debtor for discharge on his having complied with certain requirements, and making a certain affidavit.

Discharge, and its effect.

Further examination of

debtor may be ordered.

the rule or summons, if the Plaintiff has already filed interrogatories, or caused such debtor to be examined *vivâ voce*, and if further inquiry appears requisite for the ends of Justice, allow to the Plaintiff a reasonable time to file further interrogatories, or to cause such debtor to be further examined *vivâ voce*, and for the debtor to answer them or submit to such further examination, before the rule or summons be finally disposed of: Provided also that the Court or Judge may make it a condition of the debtor's discharge, that he shall first assign and convey to the party at whose suit he is in custody any right or interest which he may have or be presumed to have in and to any property, real or personal, credits and effects, other than the wearing apparel, bed, bedding, stove, cooking utensils, tools and implements of trade before mentioned, such assignment or conveyance to be approved by the Court or Judge; Provided lastly, that if it shall appear that the debt for which such debtor is confined was contracted by any manner of fraud or breach of trust, or under false pretences, or that such debtor wilfully contracted such debt or liability without having had at the same time a reasonable assurance of being able to pay or discharge the same, or that he is confined by reason of any Judgment in an action for breach of promise of marriage, seduction, criminal conversation, libel or slander, the Court or Judge may order the Applicant to be recommitted to close custody for any period not exceeding twelve calendar months, and to be then discharged.

Discharge may be on condition of assignment by debtor.

Re-committal of such debtor for not more than 12 months, in cases of fraud, seduction, libel, &c.

Judgment creditor may apply to have his judgment debtor examined as to his property, &c.

13. It shall be lawful for any party who has obtained a judgment in any Court in Upper Canada, (or any person entitled to enforce such a judgment) to apply to such Court or to any Judge having authority to dispose of matters arising in such Court, for a rule or order that the judgment debtor shall be orally examined upon oath before the Clerk of the Crown, or before the Judge or Clerk of the County Court within the jurisdiction of which such debtor shall reside, or before any other person to be named in such rule or order, touching his estate and effects, and as to the property and means he had when the debt or liability which was the subject of the action in which judgment was obtained against him was incurred, and as to the property and means he still hath of discharging the said judgment, and as to the disposal he may have made of any property since contracting such debt or incurring such liability; and in case such debtor shall not attend as required by the said rule or order, and shall not allege a sufficient excuse for not attending, or shall, if attending, refuse to disclose his property or his transactions respecting the same, or shall not make satisfactory answers respecting the same, or if it shall appear from such examination that such debtor has concealed or made away with his property in order to defeat or defraud his creditors or any of them, such Court or Judge may order such debtor to be committed to the Common Gaol of the County in which he resides for

Committal of debtor for non-attendance, refusal to answer, answering unsatisfactorily, &c.

for any time not exceeding twelve months, or it shall be lawful for any such Court or Judge, by rule or order, to direct that a writ of *capias ad satisfaciendum* may be issued against such debtor, and a writ of *capias ad satisfaciendum* may thereupon be issued upon such judgment according to the practice now in force in the said Superior Courts, or in case such debtor enjoys the benefit of the gaol limits, such Court or Judge may make a rule or order for such debtor's being committed to close custody under the three hundred and seventh section of "The Common Law Procedure Act 1856." Or order for issue of Ca. Sa. against him.

14. If it shall happen that any discharge granted under this Act shall have been unduly or fraudulently obtained by any false allegation of circumstances which if true might have entitled such debtor to be discharged by virtue of this Act, such debtor shall, upon the same being made to appear to the satisfaction of such Court or a Judge as aforesaid, be liable to be again taken in execution and remanded to his former custody by rule or order of such Court or Judge; Provided always that no sheriff or gaoler shall be liable as for an escape of such debtor in respect of his enlargement during such time as he shall have been at large by means of such his undue discharge as aforesaid. Debtor unduly obtaining discharge may be re-taken in execution. Proviso: saving Sheriff, &c.

15. Every person who shall upon any examination upon oath or affirmation, or in any affidavit made or taken in any proceedings under this Act, wilfully and corruptly give false evidence, or wilfully and corruptly swear or affirm any thing which shall be false, and shall be thereof convicted, shall be liable to the penalties of wilful and corrupt perjury. False swearing, &c., on any examination to be perjury.

16. The Common Law Procedure Act 1856, and this Act, shall be read and construed as one Act as if the several provisions in the said Act contained, not inconsistent with the provisions of this Act, were repeated and re-enacted in this Act. And all the powers conferred on the Judges by that Act and by the ninth section of the County Courts Amendment Act 1857, shall be and are hereby extended to the making from time to time all rules and forms of proceeding necessary for giving effect to this Act. Act 19, 20 V. c. 43, and this Act, to be construed as one. Powers for making Rules, Forms, &c.

17. The first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, eighteenth, nineteenth and twenty-second sections of this Act shall extend and apply to and be in force in the several County Courts in Upper Canada, and actions and proceedings therein respectively, as shall also the rules and forms to be made as mentioned in the sixteenth section of this Act, subject to the modifications expressed in the second section of "The County Courts Procedure Act 1856." Certain sections of this Act to apply to County Courts.

Confessions of judgment cognovits, or Warrants to confess given by insolvents to defeat or delay creditor, or to give one preference over the other, to be void.

18. Every confession of Judgment, Cognovi or Warrant of Attorney to confess Judgment, volun collusion with a creditor or creditors, given by any p person being at the time in insolvent circumstances to pay his debts in full, or knowing himself to b of insolvency) with intent in giving such confessio actionem or warrant of Attorney to confess judgm feat or delay his creditors wholly or in part, tent thereby of giving one or more of the creditors son a preference over his other creditors, or over more of such creditors, shall be invalid and ineffec port any judgment or writ of execution, and ever fession, cognovit actionem or warrant of Attorne judgment, shall be deemed and taken to be null against the creditors of the party giving the same, and purposes whatsoever.

Assignments, transfers, &c., made by insolvents to defeat creditor or give one preference over another, shall be void.

19. If any person being at the time in insolv stances or unable to pay his debts in full, or know to be on the eve of insolvency, shall make or cause any gift, conveyance, assignment or transfer of goods, chattels or effects, or deliver or mak cause to be delivered or made over, any bills, bon other securities or property, with intent to defeat creditors of such person, or with intent of giving of the creditors of such person a preference ov creditors, or over any one or more of such creditors gift, conveyance, assignment, transfer or delive deemed and taken to be absolutely null and voi

Proviso.

the creditors of such person; Provided always herein contained shall be held or construed to i make void any deed of assignment made and exec debtor for the purpose of paying and satisfying proportionably, and without preference or prio

Proviso.

creditors of such debtor their just debts; And p ther, that nothing herein contained shall be con validate or make void any *bonâ fide* sale of g ordinary course of trade or calling to innocent pur

Destroying or altering books, &c., to defraud creditors, to be a misdemeanor.

20. Any person who shall destroy, alter, mutil any of his books, papers, writings or securities, or privy to the making of any false or fraudulent e book of account or other document, with intent to creditors, or any one or more of them, shall be de

Punishment.

of a misdemeanor, and on being convicted ther liable to be imprisoned in any common gaol for a exceeding six months, and such offence may be any Court of Oyer and Terminer or General Gao

Making assignments, or concealing or disposing of

21. Any person who shall make or cause to be m conveyance, assignment, sale, transfer or delivery lands, hereditaments, goods or chattels, or who s

conceal or dispose of any of his goods, chattels, property or effects of any description with intent to defraud his creditors or any of them, and any person who shall receive such property, real or personal, with such intent, shall be deemed guilty of a misdemeanor, and on being convicted thereof shall be liable to be imprisoned for any term not exceeding twelve months, and to be fined in any sum not exceeding two hundred pounds; and such offence may be tried before any Court of Oyer and Terminer or General Gaol Delivery.

goods to defraud creditors, to be a misdemeanor.

Punishment.

22. From the time when this Act shall commence and take effect, the fifteenth section of an Act of the Parliament of Upper Canada, passed in the second year of the reign of the late King George the Fourth, intituled, *An Act to repeal part of and amend the laws now in force respecting the practice of His Majesty's Court of King's Bench in this Province*, the twenty-third, forty-second, one hundred and eighty-fifth, and three hundredth sections of the "Common Law Procedure Act 1856," and also so much of the forty-eighth section of the said last mentioned Act, as provides, "That after obtaining Judg- "ment it shall not be necessary for the plaintiff to make or file "any other or further affidavit than that on which the Writ of "Attachment was ordered in order to sue out a Writ of *Capias* "*ad satisfaciendum*," together with all other Acts or parts of Acts of the Parliament of Upper Canada or of this Province at variance with or inconsistent with the provisions of this Act, shall be and the same are hereby repealed, except so far as the said Acts or any of them, or any thing therein contained, repeal any former Act or Acts or any part thereof, all which said last mentioned Act or Acts shall remain and continue so repealed.

Repeal of sect. 15 of Act of U. C.

2 G. 4, c. 1,—

Sects. 23, 42, 185 and 300 of 19, 20 V. c 43, and part of sect. 48,—

And all enactments inconsistent with this Act.

23. The provisions of this Act shall come into operation on the first day of September, in the year of our Lord one thousand eight hundred and fifty-eight.

Commencement of this Act.

24. In citing this Act in any instrument, document or proceeding, it shall be sufficient to use the expression, "The Act for the abolition of Imprisonment for debt."

Short Title.

25. The word "County," wherever it occurs in this Act, shall include any Union of Counties for judicial purposes.

Interpretation.

CAP. XCVII.

An Act to amend the Law of *Scire Facias* in Upper Canada.

[*Assented to 16th August*, 1858.]

Preamble.

WHEREAS the Writ of *Scire Facias* to repeal Letters Patent, or to make void grants or other matter of Record under the Great Seal, is an original Writ which in England is issuable from the Court of Chancery, founded on the record of the Letters Patent, grant or other matter of Record enrolled in

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the said Court; And whereas owing to the constitution of the Court of Chancery of Upper Canada, there is not as in England an enrolment therein of Letters Patent, grants or other matter of Record under the Great Seal, and the jurisdiction of the Court of Chancery in Upper Canada to issue Writs of *Scire Facias* for the purposes aforesaid is doubtful: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Court of Chancery and Superior Courts may issue Writs of *Scire Facias* in the same manner, &c., as the Court of Chancery in England.

1. Notwithstanding the want of enrolment, it shall be lawful for the Court of Chancery in Upper Canada, or for either of the Superior Courts of Common Law of Upper Canada, to issue Writs of *Scire Facias* to repeal Letters Patent, grants or other matter of Record under the Great Seal, in the same manner and under the same restrictions, as near as may be, as such Writs are now issuable from the Court of Chancery in England; and all the proceedings thereafter shall be, as near as may be, the same as in England. Provided that nothing herein contained shall be taken to alter or in any wise affect any thing contained in an Act of the Province of Upper Canada, passed in the seventh year of the reign of His late Majesty King William the Fourth, intituled, *An Act to establish a Court of Chancery in this Province.*

Proviso.

7 W. 4, c. 2.

Exemplification of Letters Patent, &c., to be filed, and *fiat* of Attorney General to be obtained before Writ issues.

2. Before the issue of any such writ of *Scire Facias*, it shall be necessary for the party making application for the same, in addition to the fiat of the Attorney General, to file in the Court from which the writ is to be issued an exemplification under the great seal of the Province of the Letters Patent, grant or other matter of record upon which the said Writ of *Scire Facias* is to be founded.

Judges to meet and make Rules and Orders under this Act.

3. For the more effectual carrying out of the provisions of this Act, it shall be lawful for the Judges of the said Court of Chancery and of the said Superior Courts of Common Law, or any six of them, of whom the Chancellor and the two Chief Justices shall be three, to make all such general rules and orders as in their judgment shall be necessary or proper for the effectual execution of this Act and of the intention and object thereof, and for that purpose to meet from time to time as occasion may require.

CAP. XCVIII.

An Act to amend the Law relating to petty trespasses in Upper Canada.

[*Assented to 16th August*, 1858.]

Preamble.

IN amendment of the Law relating to petty trespasses in Upper Canada: Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

No person to enter, or to allow his cattle, &c., to enter on the land of another without permission.

1. Any person who shall unlawfully enter into, come upon, or pass through, or turn any Horses, Cattle, Sheep or Swine upon, or permit any such to go or range at large upon, or in any way trespass upon any land or premises whatsoever, being wholly or in part enclosed and being the property of any other person, shall be liable to a penalty of not less than one dollar nor more than ten dollars for every such offence, irrespective of any damage having or not having been occasioned thereby; and such penalty may be recovered with costs in every case of conviction before any one Justice of the Peace, who shall decide the matter in a summary way, and award costs in case of conviction, which may be had either on view, or on confession of the party complained against, or on the oath of one credible witness: Provided always that nothing herein contained shall extend to any case where the party trespassing acted under a fair and reasonable supposition that he had a right to do the act complained of, or to any case within the meaning of the twenty-fourth section of the Act fourth and fifth Victoria, chapter twenty-six, for consolidating and amending the laws in this Province relative to malicious injuries to property.

Penalty for so doing; and how recoverable.

Proviso.

Proprietor or his servant may arrest trespasser without warrant, and bring him before a Justice.

2. Any person found committing any such trespass as aforesaid, may be apprehended without a warrant by any Peace Officer, or the owner of the property on which it is committed, or the servant, or any person authorized by him, and forthwith taken to the nearest Justice of the Peace, to be dealt with according to law.

Provisions of Act 16 V. c. 178, to apply to proceedings under this Act.

3. Except as herein otherwise provided, all proceedings under this Act shall be subject to and in accordance with the provisions of the Act passed in the Session held in the sixteenth year of Her Majesty's Reign, chapter one hundred and seventy-eight, intituled, *An Act to facilitate the performance of the duties of Justices of the Peace out of Sessions in Upper Canada, with respect to summary convictions and orders*, which shall apply to cases arising under this Act.

Justice of the Peace not to try titles to land under colour of this Act.

4. Nothing in this Act contained shall authorize or be construed to authorize any Justice of the Peace to hear and determine any case of trespass in which the title to any land, or any interest therein or accruing thereupon, shall be called in question or affected in any manner howsoever; but every such case of trespass shall be dealt with according to law in the same manner, in all respects, as if this Act had not been passed.

Extent of Act.

5. This Act shall extend to Upper Canada only.

CAP.

CAP. XCIX.

An Act respecting the Municipal Institutions of Upper Canada.

[*Assented to* 16*th August*, 1858.]

Preamble. HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Commencement of Act. **1.** This Act shall come into force on the first day of December, one thousand eight hundred and fifty-eight.

EXISTING INSTITUTIONS

CONTINUED.

Municipal Corporations. **2.** The Inhabitants of every County, City, Town, Village, Township, Union of Counties and Union of Townships incorporated at the time this Act takes effect, shall continue to be a body Corporate, and every Police Village then existing shall continue to be a Police Village, with the Municipal boundaries of every such Corporation and Police Village respectively then established.

Police Villages. **3.** The Trustees of every Police Village existing when this Act takes effect, shall be deemed the Trustees respectively of every such Village as continued under this Act.

NAMES AND GOVERNING BODY.

1.—CORPORATIONS.

Names of Corporations. **4.** The name of every Body Corporate continued, or erected under this Act, shall be *The Corporation of the County, City, Town, Village, Township, or United Counties, or United Townships* (as the case may be) *of* (naming the same.)

Name of Provisional Corporations. **5.** The Inhabitants of every Junior County upon a Provisional Council being or having been appointed for the County, shall be a Body Corporate under the name of *The Provisional Corporation of the County of* (naming it.)

The Councils to govern. **6.** The powers of every Body Corporate under this Act, shall be exercised by the Council thereof.

2.—POLICE VILLAGES.

Trustees in Police Villages to govern. **7.** The Police regulations of every Police Village, shall be enforced through the Police Trustees.

NEW

NEW MUNICIPALITIES.

COUNTIES AND TOWNSHIPS.

Extension o Corporate Municipalities.

8. The Inhabitants of every County or Union of Counties erected by Proclamation into an independent County or Union of Counties, and of every Township or Union of Townships erected into an independent Township or Union of Townships, and of every locality erected into a City, Town or Incorporated Village, and of every County or Township separated from any Incorporated Union of Counties or Townships, and of every County or Township or of the Counties or Townships if more than one, remaining of the Union after the separation, being so erected or separated after this Act takes effect, shall be a body Corporate under this Act.

NEW POLICE VILLAGES.

New Police Villages.

9. On the Petition of any of the Inhabitants of an unincorporated Village, the Council or Councils of the County or Counties within which the village is situate, may, by By-law, erect the same into a Police Village, and assign thereto such limits as may seem expedient.

NEW INCORPORATED VILLAGES.

When population 750, County Council may by By-law incorporate new Villages and name place for 1st election, and a returning officer.

10. When the census returns of an unincorporated Village with its immediate neighbourhood, taken under the direction of the Council or Councils of the County or Counties in which the Village and its neighbourhood are situate, shew that the same contain over seven hundred and fifty inhabitants, and when the residences of such inhabitants are sufficiently near to form an incorporated Village, then, on petition, by not less than one hundred resident freeholders and householders of the village and neighbourhood, the Council or Councils of the County or Counties in which the Village and neighbourhood are situate shall, by By-law, erect the Village and neighbourhood into an incorporated Village, apart from the Township or Townships in which the same are situate, by a name and with boundaries to be respectively declared in the By-law, and shall name in the By-law the place for holding the first Election, and the Returning Officer who is to hold the same.

When the Village lies within two counties, how to be annexed to one of them by the Councils or Governor;

11. When the newly incorporated Village lies within two or more Counties, the Councils of the Counties shall, by By-law, annex the Village to one of the Counties; and if within six calendar months after the petitions for the incorporation of the Village are presented, the Councils do not agree to which County the Village shall be annexed, the Wardens of the Counties shall memorialize the Governor in Council, setting forth the grounds of difference between the Councils; and thereupon the Governor shall, by Proclamation, annex the Village to one of such Counties.

12.

When by the Governor.

12. In case the Wardens do not within one month next after the expiration of the six months memorialize the Governor as aforesaid, then one hundred of the freeholders and householders on the census list may petition the Governor to settle the matter, and thereupon the Governor shall, by Proclamation, annex the incorporated Village to one of the said Counties.

Additions to Villages by Governor.

13. In case the Council of an Incorporated Village petitions the Governor to add to the boundaries thereof, the Governor may, by Proclamation, add to the Village any part of the localities adjacent, which from the proximity of streets or buildings therein, or the probable future exigencies of the Village, it may seem desirable to add thereto.

ERECTION OF VILLAGES INTO TOWNS, AND TOWNS INTO CITIES.

Towns and Cities how formed.

14. A Census of any Town or incorporated Village, may at any time be taken under the authority of a By-law of the Council thereof.

Town containing over fifteen thousand Inhabitants may be made a City; and Village containing over three thousand a Town.

15. When it appears by the Census return taken under any Act of Parliament, or under any such By-law, that a Town contains over fifteen thousand Inhabitants, the Town may be erected into a City; And when it appears by the return, that an Incorporated Village contains over three thousand inhabitants, the Village may be erected into a Town: But the change shall be made by means of and subject to the following proceedings and conditions:

1st—Notice to be given.

Firstly—In case the Council of the Town or Village, for three months after the Census return, inserts a notice in some newspaper published in the Town or Village, or, if no newspaper is published therein, then in case the Council has for three months posted up a notice in four of the most public places in the Town or Village, and inserted the same in a newspaper published in the County in which the Town or Village is situate, setting forth in the notice the intention of the Council to apply for the erection of the Town into a City, or of the Village into a Town, and stating the limits intended to be included therein;

2nd—Proof of publication of notice and of census.

Secondly—And in case the Council applying proves the publication to the Governor in Council, and procures the census returns to be certified to him under the signature of the Head of the Corporation and under the Corporate Seal;

3rd—Proclamation in the case of a Village.

Thirdly—Then, in the case of a Village, the Governor may, by Proclamation, erect the Village into a Town by a name to be given thereto in the Proclamation;

Fourthly—

Fourthly—And in case the application is for the erection of a Town into a City,—if the Town has moreover paid to the County of which it formed part, such portion, if any, of the debts of the County as may be just, or if the Council of the Town has agreed with the Council of the County as to the amount to be so paid, and the periods of payment with interest from the time of the erection of the new City, or in case of disagreement if the same has been determined (as it shall be) by arbitration under this Act; and if the Council proves to the Governor in Council the payment, agreement or arbitration; 4th—Existing debts to be adjusted.

Fifthly—Then, the Governor may, by Proclamation, erect the Town into a City, by a name to be given thereto in the Proclamation. 5th—Governor may proclaim such City a Town.

16. The Governor may include in the new Town or City such portions of any Township or Townships adjacent thereto and within the limits mentioned in the aforesaid notice as, from the proximity of streets or buildings, or the probable future exigencies of the new Town or City, the Governor in Council may consider it desirable to attach thereto. Extension of limits of such Town or City.

17. The Governor may divide the new Town or City into Wards with appropriate names and boundaries, but no Town shall have less than three Wards, and no Ward less than five hundred inhabitants. Wards.

18. In case any tract of land so attached to the Town or City belonged to another County, the same shall thenceforward for all purposes cease to belong to such other County, and shall belong to the same County as the rest of the Town or City. Lands detached from Counties.

NEW DIVISION OF WARDS IN CITIES AND TOWNS.

19. In case two thirds of the Members of the Council of a City or Town, do in Council before the Fifteenth day of July in any year, pass a resolution affirming the expediency of a new division into Wards being made of the City or Town, or of a part of the same, either within the existing limits or with the addition of any part of the localities adjacent, which from the proximity of streets or buildings therein, or the probable future exigencies of the City or Town, it may seem desirable to add thereto respectively, the Governor may, by proclamation, divide the City or Town, or such part thereof into Wards, as may seem expedient, and may add to the City or Town any part of the adjacent Township or Townships, which the Governor in Council on the grounds aforesaid considers it desirable to attach thereto. New division of Wards in Cities and Towns.

LIBERTIES IN CITIES ABOLISHED.

20. There shall be no liberties or outer Wards in Cities. No liberties.

EXISTING

EXISTING BY-LAWS CONTINUED.

By-laws to continue in Cities, Towns and Villages.

When not to be repealed.

21. When a Village has been incorporated, or an incorporated Village or Town has been with or without additional area, erected into a Town or City, the By-laws in force therein respectively shall continue in force until repealed or altered by the Council of the new Corporation. But no such By-laws shall be repealed or altered unless they could have been or can be legally repealed or altered by the Council which passed the same.

When the limits of a Municipality are extended.

22. When an addition is made to the limits of a Municipality, the By-laws of the Municipality shall extend to the additional limits, and the By-laws of the Municipality from which the same has been detached shall cease to apply to the addition, except only By-laws relating to roads and streets, and these shall remain in force until repealed by By-laws of the Municipality added to.

LIABILITY TO DEBTS TO CONTINUE.

Liability to debts to continue.

23. In case of the formation of an incorporated Village, or of the erection of an incorporated Village into a Town, or of a Town into a City, the Village, Town or City shall remain liable to all the debts and liabilities to which the Village or Town was previously liable, in like manner as if the same had been contracted or incurred by the new Municipality.

And in case of an extension of limits.

24. After an addition has been made to a Village, Town or City, the Village, Town or City shall pay to the Township or County from which the additional tract has been taken, such part (if any) of the debts of the Township or County as may be *just*; and in case the Councils do not, within three months after the first meeting of the Municipality to which the addition has been made, agree as to the sum to be paid, or as to the time of payment thereof, the matter shall be settled by arbitration under this Act.

COUNCILS AND OFFICERS TO CONTINUE.

Former councils and officers to exercise jurisdiction over new Municipalities, &c, until new councils are organized.

25. When any place is erected into an incorporated Village, or an incorporated Village into a Town, or a Town into a City, the Council and the members thereof having authority in the place or Municipality immediately before such erection, shall, until the Council for the newly erected Corporation is organized, continue to have the same powers as before; and all other Officers and Servants of the place or Municipality shall, until dismissed, or until successors are appointed, continue in their respective offices, with the same powers, duties and liabilities as before.

WITHDRAWAL OF TOWNS FROM THE JURISDICTION OF THE COUNTY.

Town may be withdrawn from jurisdiction of County by By-law on certain conditions.

26. The Council of any Town may pass a By-law to withdraw the Town from the jurisdiction of the Council of the County within which the town is situated, upon obtaining the assent of the electors of the Town to the By-law in manner provided by this Act, subject to the following provisions and conditions:

Amount to be paid by Town towards expenses of administration of justice to be settled.

1. After the final passing of the By-law, the amount which the Town is to pay to the County for the expenses of the administration of Justice and the use of the Gaol, as well as for the then existing debt of the County, if not mutually agreed upon, shall be ascertained by arbitration under this Act; and the agreement or award shall distinguish the amounts to be annually paid for the said expenses, and for the then debt of the County, and the number of years the payments for the debt are to continue;

Matters to be considered in settling the same.

2. In adjusting their award, the arbitrators shall, among other things, take into consideration the amount previously paid by the Town, or which the Town may be then liable to pay, for the construction of roads or bridges by the County, without the limits of the town; and also what the County may have paid, or be liable to pay, for the construction of roads or bridges within the Town; and they shall also ascertain and allow to the Town the value of its interest in all County property except roads and bridges within the Town;

Copy of agreement to be sent to the Governor.

Proclamation.

3. When the agreement or award has been made, a copy of the same and of the By-law, duly verified by affidavit, shall be transmitted to the Governor, who shall thereupon issue his proclamation withdrawing the Town from the jurisdiction of the Council of the County;

Effect of such Proclamation.

4. After the proclamation has been issued, the offices of Reeve and Deputy Reeve of the Town shall cease; and no By-law of the Council of the County shall have any force in the Town, except so far as relates to the care of the Court House and Gaol, and other County property in the Town; and the Town shall not thereafter be liable to the County for, or be obliged to pay to the County or into the County Treasury, any money for County debts or other purposes, except such sums as may be agreed upon or awarded as aforesaid;

As to payment of Jurors.

5. In case after the agreement or award the Council of the County ceases to pay jurymen for their attendance at Court, or passes a By-law to pay them, if no such By-law existed at the time of the agreement or award, the agreement or award, so far as the same relates to the amount thereby agreed or directed to be paid by the Town to the County for jury expenses, shall cease

cease and be void, and a new agreement or award shall be made, to ascertain what amount shall thereafter be paid by the Town to the County for such purposes;

New agreement after five years.

6. After the lapse of five years from the time of the agreement or award, or such shorter time as may be stated in the agreement or award, a new agreement or a new award may be made, to ascertain the amount to be paid by the Town to the County for the expenses of the administration of Justice;

Property after withdrawal.

7. After the withdrawal of a Town from the County, all property theretofore owned by the County, except Roads and Bridges within the Town, shall remain the property of the County.

TOWNSHIPS.

ERECTION OF NEW TOWNSHIPS.

New Townships beyond the limits of Incorporated Counties may be attached thereto by proclamation.

27. In case a Township is laid out by the Crown in territory forming no part of an Incorporated County, the Governor may by proclamation erect the Township, or two or more of such Townships lying adjacent to one another, into an Incorporated Township or Union of Townships, and annex the same to any adjacent Incorporated County; and the proclamation shall appoint the Returning Officer who is to hold, and the place for holding, the first Election in the Township or Union of Townships.

SEPARATION OF UNITED TOWNSHIPS.

Junior Township containing 100 freeholders, &c., to become a separate Municipality.

28. When a Junior Township of an incorporated Union of Townships has one hundred resident freeholders and householders on the assessment-roll as last finally revised and passed, such Township shall, upon the first day of January then next thereafter, become separated from the Union.

When Junior Township containing less than 100, but exceeding 50, it may be separated, and how.

29. In case a Junior Township had at least fifty but less than one hundred resident freeholders and householders on the last revised assessment-roll, and two thirds of the resident freeholders and householders of the Township, petition the Council of the County to separate the Township from the Union to which it belongs; and in case the Council considers the Township to be so situated, with reference to streams or other natural obstructions, that its inhabitants cannot conveniently be united with the inhabitants of an adjoining Township for Municipal purposes,—the Council may, by By-law, separate the same from the Union; and the By-law shall name the Returning Officer who is to hold, and the place for holding the first Election under the same.

ANNEXATION OF GORES.

30. The Governor may, by Proclamation, annex to any Township, or partly to each of more Townships than one, any Gore or small tract of land lying adjacent thereto and not forming part of any Township, and such Gore or tract shall thenceforward for all purposes form part of the Township to which it is annexed. The Governor may annex Gores to adjacent Townships.

ANNEXATION OF NEW TOWNSHIPS.

31. In case a Township is laid out by the Crown in an incorporated County or Union of Counties; or in case there is any Township therein not incorporated and not belonging to an incorporated Union of Townships,—the Council of the County or United Counties shall, by By-law, unite such Township for Municipal purposes, to some adjacent incorporated Township or Union of Townships in the same County, or Union of Counties, and if such adjacent Township or adjacent Union is divided into Wards, then also to one Ward or partly to each of two or more Wards thereof. New Townships, &c., within the limits of Incorporated Counties, to be united to adjacent Townships, and how.

32. In case of there being at any time in an incorporated County or Union of Counties two or more adjacent Townships not incorporated and not belonging to an incorporated Union of Townships; and in case such adjacent Townships have together not less than one hundred resident freeholders and householders within the same,—the Council of the County or Union of Counties may, by By-law, form such Townships into an independent Union of Townships. Townships not incorporated or united may be formed into unions, and how.

33. In case the united Townships are in different Counties, the By-law shall cease to be in force whenever the union of the Counties is dissolved. Townships in different Counties.

SENIORITY OF TOWNSHIPS.

34. Every Proclamation or By-law forming a Union of Townships shall designate the order of seniority of the Townships so united, and the Townships of the Union shall be classed in the By-law according to the relative number of freeholders and householders on the last revised assessment-roll. Seniority of Townships how regulated.

COUNTIES.

NEW COUNTIES.

35. The Governor may, by Proclamation, form into a new County, any new Townships not within the limits of an Incorporated County, and may include in the new County one or more unincorporated Townships or other adjacent unorganized Territory, (defining the limits thereof) not being New Counties how formed by proclamation and annexed or united.

being within an Incorporated County, and may ann
County to any adjacent Incorporated County ; or in
no adjacent Incorporated County, or in case the
Council considers the new County, or any number
Counties lying adjacent to one another and not b
an Incorporated Union, so situated that the Inhab
not conveniently be united with the inhabitants of
ing Incorporated County for Municipal purposes, th
may, by the Proclamation, erect the new County,
jacent Counties, into an independent County o
Counties for the said purposes, and the Proclam
name the new County or Counties.

SENIORITY OF.

Seniority of United Counties how regulated.

36. In every Union of Counties, the County in
County Court House and Gaol are situate, shall be
County, and the other County or Counties of the Un
the Junior County or Counties thereof.

LAWS APPLICABLE TO

Laws applicable to unions of Counties.

37. During the Union of Counties, all Laws ap
Counties (except as to representation in Parliament
tration of Titles) shall apply to the Union as
formed but one County.

VENUE IN.

Venue how laid in unions of Counties.

38. In the case of United Counties, the Ven
Judicial proceedings shall be laid in the proper Co
Union (naming it) and describing it as one of the Un
ties of , and in such case the Jury for the
issue, Civil or Criminal, or the assessment of an
shall be summoned from the body of the United Co

ERECTION OF PROVISIONAL CORPORATIO
SEPARATION OF JUNIOR COUNTIE

PRESIDING MEMBER—FIRST MEETING—COUNTY

Provisional separation of United Counties by Proclamation appointing place of meeting and presiding officer.

39. When the Census Returns taken under
Parliament, or under the authority of a By-law of the
any United Counties, show that the Junior County o
contains not less than fifteen thousand inhabitants,
majority of the Reeves and Deputy Reeves of su
do, in the month of February in two successive ye
resolution affirming the expediency of the County
rated from the Union ; and if in the month of Febru
following or third year, a majority of the Reeves
the Governor in Council a petition for the separ
if the Governor deems the circumstances of the Juni

such as to call for a separate establishment of Courts and other County institutions, he may, by Proclamation setting forth those facts, constitute the Reeves and Deputy Reeves for the County a Provisional Council, and in the Proclamation appoint a time and place for the first meeting of the Council, and therein name one of its Members to preside at the meeting, and also, therein determine the place for and the name of the County Town.

Who to preside till Warden chosen.

40. The Member so appointed shall preside in the Council until a Provisional Warden has been elected by the Council from among the members thereof.

PROVISIONAL OFFICERS.

Appointment of Provisional Warden, &c.

41. Every Provisional Council shall from time to time appoint a Provisional Warden, a Provisional Treasurer, and such other Provisional Officers for the County as the Council deems necessary.

His term of office;

42. The Provisional Warden shall hold office for the Municipal year for which he is elected.

And of Treasurer, &c.

43. The Treasurer and other Officers so appointed shall hold Office until removed by the Council.

PURCHASE OF PROPERTY.

Provisional Councils may acquire lands for Gaols and Court Houses.

44. Every Provisional Council may acquire the necessary property at the County Town of the Junior County on which to erect a Court House and Gaol, and may erect a Court House and Gaol thereon, adapted to the wants of the County and in conformity with any statutory or other rules and regulations respecting such buildings, and may pass By-laws for such purposes.

POWERS OF THE UNION NOT TO BE INTERFERED WITH.

Powers of Provisional Council not to interfere with powers of the union.

45. The powers of a Provisional Council shall not interfere with the powers of the Council of the Union, and any money raised by the Provisional Council in the Junior County shall be independent of the money raised therein by the Council of the Union.

DEBTS OF THE UNION.

Agreement as to debts upon dissolution.

46. After a Provisional Council has procured the necessary property and erected thereon the proper buildings for a Court House and Gaol, the Council may enter into an agreement with the Senior or remaining County or Counties for payment to such County or Counties of any part of the debts of the Union as may be just, and for determining the amount to be so paid and the times of payment.

When Provisional Councillors shall not vote.

47. No Member of the Provisional Council shall vote or take any part in the Council of the Union on any question affecting such agreement or the negotiation therefor.

Arbitrament.

Payment of debts upon dissolution.

Debt to bear interest.

48. In case the Councils do not then agree as to the amount or periods of payment, the matter shall be settled between them by Arbitration under this Act; And the Junior County shall pay to the Senior or remaining County or Counties of the Union the amount so agreed upon or settled, and such amount shall bear interest from the day on which the Union is dissolved, and shall be provided for, like other debts, by the Council of the Junior County after being separated.

GOVERNOR TO APPOINT JUDGES, &C.

Terms and time of separation.

Judge, &c.

49. After the sum to be paid by the Junior County to the Senior or remaining County or Counties has been paid or ascertained by agreement or arbitration, the Governor in Council shall appoint for the Junior County, a Judge, a Surrogate, a Sheriff, one or more Coroners, a Clerk of the Peace, a Registrar, and at least twelve Justices of the Peace, and shall provide, in the Commission or Commissions, that the appointments are to take effect on the day the Counties become disunited.

Registrar.

50. The Office for the Registry of Deeds shall be kept in the County Town in like manner as in other Counties.

WHEN A JUNIOR COUNTY MAY BE SEPARATED.

United Counties, when and how to be separated by Proclamation.

51. After such appointments are made, the Governor shall, by proclamation, separate the Junior County from the Senior or remaining County or Counties, and shall declare such separation to take effect on the first day of January next after the end of three calendar months from the date of the Proclamation; and on that day the Courts and officers of the Union shall cease to have any Jurisdiction in the Junior County; and the property of the Corporation of the Union situate in the Junior County shall become the property of the Corporation of the Junior County, and the property situate in the remaining County or United Counties shall be the property of the Corporation of the remaining County or United Counties.

Property how divided.

VENUE.

Place of trials after dissolution of unions, to be as ordered by the Court or a Judge.

52. If upon the dissolution of a Union of Counties, there is pending an action, information, indictment or other Judicial proceeding in which the Venue is laid in a County of the Union, the Court in which the action, information or indictment is pending, or any Judge who has authority to make orders therein may, by consent of parties, or on hearing the parties upon affidavit, order the Venue to be changed

changed to the new County, and all records and papers to be transmitted to the proper officers of such County, and in the case of any such indictment found at any Court of Oyer and Terminer and General Gaol Delivery, any Judge of either of the Superior Courts of Common Law, may make the order.

If no special order is made.

53. In case no such change is directed, all such actions, informations, indictments and other judicial proceedings shall be carried on and tried in the Senior County.

COURTS IN.

Place for holding Courts after separation.

54. All Courts of the Junior County required to be held at a place certain, shall be held in the County Town of the Junior County.

PERSONS IN PRISON.

Indictable offences how to be disposed of.

55. Any person charged with an Indictable offence who, at the time of the disuniting of a Junior from a Senior County, is imprisoned on the charge in the Gaol of the Senior County, or is under Bail or Recognizance to appear for Trial at any Court in the Senior County, and against whom no indictment has been found before the disunion takes place, shall be indicted, tried and sentenced in the Senior County, unless a Judge of one of the Superior Courts of Common Law orders the proceedings to be conducted in the Junior County, in which event the prisoner or recognizances (as the case may be) shall be removed to the latter County and the proceedings shall be had therein; and when in any such case the offence is charged to have been committed in a County other than that in which such proceedings are had, the venue may be laid in the proper County describing it as formerly "one of the United Counties of, &c."

PERSONS ON BAIL.

Proceedings in Civil cases under Bailable process.

56. Any person arrested or held to Bail under Civil Process, before the separation of a Junior from a Senior County, and liable to be imprisoned, shall be so imprisoned in the Gaol of the County in which he was arrested; and all proceedings in any Suit or Action in which any person was so arrested or held to Bail, and all proceedings after judgment founded upon the Arrest or holding to Bail, shall be carried on as if the Arrest or holding to Bail had taken place in such County as a separate County; and in case the proceedings are to be had in the Junior County, all the records and papers relative to the case shall be transmitted to the proper Officer of the Junior County.

PERSONS ON THE GAOL LIMITS.

Privileges of persons admitted

57. In case a debtor or other person has been (in manner prescribed by law) admitted to the Gaol limits of a Union of

ted to gaol limits saved on dissolution.

Counties, and the Union is afterwards dissolved, or one or more Counties are separated from the Union, such debtor or person may notwithstanding travel and reside in any portion of the Counties as if no dissolution or separation had taken place, without committing a breach of any Bond or the condition thereof, or a forfeiture of any security given for the purpose of obtaining the benefit of such limits; and in case any such person after the dissolution of the Union is surrendered or ordered to be committed to close custody, he shall be surrendered or committed to the Sheriff of the County in which he was arrested and be imprisoned in the Gaol thereof.

WHEN PROVISIONAL COUNCILS, OFFICERS, &C., TO BECOME ABSOLUTE.

Officers and property, &c., continued.

58. When a junior County is separated from a Union of Counties, the Head and members of the Provisional Council of the junior County, and the officers, by-laws, contracts, property, assets and liabilities of the Provisional Corporation, shall be the Head and members of the Council, and the officers, by-laws, contracts, property, assets and liabilities of the new Corporation.

BY-LAWS, DEBTS AND RATES OF FORMER UNIONS OF COUNTIES OR TOWNSHIPS AFTER BEING DISSOLVED.

By-laws to continue in Counties and Townships.

59. When a junior County or Township is separated from a senior County or Township, the By-laws of the Union shall continue in force in the several Counties or Townships which composed the Union until altered or repealed by the Council or Councils of the same respectively.

Upon dissolution of Township unions, the Junior to pay a just portion of the debts of the Union: and disposition of property of the Union.

60. After the dissolution of a Union of Townships, the following shall be the disposition of the property of the Union:

1. The real property of the Union situate in the Junior Township, shall become the property of the Junior Township;

2. The real property of the Union situate in the remaining Township or Townships of the Union, shall be the property of the remaining Township or Townships;

Joint interest in assets.

3. The two Corporations shall be jointly interested in the other assets of the Union, and the same shall be retained by the one, or shall be divided between both, or shall be otherwise disposed of, as they may agree;

Arrangement as to debts.

4. The one shall pay or allow to the other, in respect of the said disposition of the real and personal property of the Union, and in respect to the debts of the Union, such sum or sums of money as may be just;

5.

5. In case the Councils of the Townships do not within three months after the first meeting of the Council of the junior Township, agree as to the disposition of the personal property of the Union, or as to the sum to be paid by the one to the other, or as to the times of payment thereof, the matter shall be settled by Arbitration under this Act; How to be determined.

6. The amount so agreed upon or settled shall bear interest from the day on which the Union was dissolved; and shall be provided for by the Council of the indebted Township like other debts. To bear Interest.

61. In case of the separation of a County or Township from a Union of Counties or Townships, each County or Township which formed the Union shal remain subject to the debts and liabilities of the Union as if the same had been contracted or incurred after the dissolution by the respective Counties or Townships which constituted the Union. Liability of Unions for debts at the time of dissolution.

62. After the dissolution, the Council of the senior or remaining County or Township shall issue its debentures or other obligations for any part of any debt contracted by the Union for which debentures or other obligations might have been but had not been issued before the dissolution; and such debentures or obligations shall recite or state the liability of the junior County or Township therefor under this Act; and the Junior County or Township shall be liable thereon as if the same had been issued by the Junior County or Township. Debentures to issue for such debts, and to bind the old and new Municipalities.

63. All assessments imposed by the Council of the Union for the year next before the year in which the dissolution takes effect, shall belong to the Union and shall be collected and paid over accordingly, and after the dissolution, all special rates for the payment of debts theretofore imposed by any By-law of the Union, shall continue to be levied in the junior County or Township; and the Treasurer of the junior County or Township shall pay over the amount as received to the Treasurer of the senior County or Township, and the latter shall apply the money so received in the same manner as the money raised under the same By-law in the senior County or Township. Assessments for year preceding dissolution, who to belong to. Special rates for debts continued to be paid over by Treasurer of the Junior County.

64. In case the amount so paid over to the Senior County or Township, or to any creditor of the Senior County or Township in respect of a liability of the Union, exceeds the sum which, by the agreement or award between the Councils, the junior County or Township ought to pay, the excess may be recovered against the senior or remaining County or Township as for money paid or as for money had and received, as the case may be. If the sum paid over exceeds the just amount, the excess to be refunded.

MUNICIPAL COUNCILS, &c., OF WHOM COMPOSED.

THE HEADS.

65. The Head of every County and Provisional Corporation shall be designated the Warden thereof, and of every City and Town Heads of Counties, &c.

Town the Mayor thereof, and of every Township and Incorporated Village the Reeve thereof.

THE MEMBERS.

1.—IN CITIES.

Cities. **66.** The Council of every City shall consist of the Mayor who shall be the Head thereof, and of two Aldermen and two Councilmen for every Ward;

2.—IN TOWNS.

Towns. The Council of every Town shall consist of the Mayor who shall be the Head thereof, and of three Councillors for every Ward, and if the Town has not withdrawn from the jurisdiction of the Council of the County in which it lies, one of the Councillors of the Town shall be elected by the Council to be Reeve of the Town, and if the Town had the names of five hundred resident freeholders and householders on the last revised assessment-roll, then one other of the Councillors to be Deputy Reeve;

3.—IN INCORPORATED VILLAGES.

Incorporated Villages. The Council of every Incorporated Village shall consist of five Councillors, one of whom shall be Reeve, and if the Village had the names of five hundred resident freeholders and householders on the last revised assessment-roll, then one other of the Councillors shall be Deputy Reeve;

4.—IN TOWNSHIPS.

Townships and Wards. The Council of every Township shall consist of five Councillors; but when the Township is divided into Wards, then, of one Councillor for each Ward, one of which Councillors shall be Reeve, and if the Township had the names of five hundred resident freeholders and householders on the last revised assessment-roll, then one other of the Councillors shall be Deputy Reeve;

5.—IN COUNTIES.

Counties. And the Council of every County shall consist of the Reeves and Deputy Reeves of the Townships and Villages within the County, and of any Towns within the County which have not withdrawn from the jurisdiction of the Council of the County; and one of the Reeves or Deputy Reeves shall be the Warden.

County Councils. **67.** No Reeve or Deputy Reeve shall take his seat in the County Council until he has filed with the Clerk of the County Council a Certificate under the hand and seal of the Township, Village or Town Clerk, that such Reeve or Deputy Reeve was duly elected, and made and subscribed the declarations of office and qualification, (unless exempted therefrom,) as such Reeve or Deputy Reeve; nor in the case of a Deputy Reeve, until

Certificates to be filed by Reeves and Dpty. Reeve.

until he has also filed with the Clerk of the County an affidavit or affirmation of the Clerk, or other person having the legal custody of the last revised Assessment-Rolls for the Municipality which he represents, that there appear upon such Rolls the names of at least five hundred resident Freeholders and Householders in the Municipality.

68. The Trustees of every Police Village shall be three in number, one of whom shall be the Inspecting Trustee. Trustees of Police Villages.

PROVISIONAL COUNCILS,

WHO TO COMPOSE.

69. The Reeves and Deputy Reeves of the Municipalities within a Junior County for which a Provisional Council is established, shall, *ex officio*, be the members of the Provisional Council. Provisional Council, Reeves and Dpty. Reeves to be.

QUALIFICATION OF MUNICIPAL COUNCILLORS AND POLICE TRUSTEES.

70. The persons qualified to be elected Mayors, members of a Council or Police Trustees, are such residents of the County within which the Municipality or Police Village is situate as are not disqualified under this Act, and have, at the time of the election, in their own right or in the right of their wives, as proprietors or tenants, freehold or leasehold property rated in their own names on the last revised Assessment-Roll of such Municipality or Police Village to at least the value following : Qualification of Councillors, &c;

In Townships—Freehold to four hundred dollars or Leasehold to eight hundred dollars ; In Townships;

In Police Villages—Freehold or Leasehold to four hundred dollars; In Police Villages;

In Incorporated Villages—Freehold to forty dollars per annum, or Leasehold to eighty dollars per annum ; In Incorporated Villages;

In Towns—Freehold to Eighty dollars per annum, or Leasehold to One hundred and sixty dollars per annum ; In Towns;

And in Cities—for Aldermen—Freehold to One hundred and sixty dollars per annum, or Leasehold to Three hundred and twenty dollars per annum : and for Councilmen—Freehold to Eighty dollars per annum or Leasehold to One hundred and sixty dollars per annum ; In Cities.

And so in the same proportions in all Municipalities and Police Villages in case the property is partly freehold and partly leasehold. As to property partly freehold.

The

"Leasehold" defined.

The term "Leasehold" in this Section, shall not include a term less than a Tenancy for a year, or from year to year.

In new Township not having assessment-roll.

71. In case of a new Township erected by Proclamation for which there has been no Assessment-Roll, every person who at the time of the first election has such an interest in real property and to such an amount as herein before mentioned, shall be deemed to be possessed of a sufficient property qualification.

If only one person be qualified.

72. In case in a Municipality there are not at least two persons qualified to be elected for each seat in the Council, no qualification beyond the qualification of an elector shall be necessary in the persons to be elected.

DISQUALIFICATIONS.

Disqualifications.

73. No Judge of any Court of Civil Jurisdiction, no Gaoler or Keeper of a House of Correction, no Officer of any Municipality, no Bailiff of a Division Court, no Sheriff's Officer, no Innkeeper or Saloonkeeper, no person receiving any allowance from the Corporation (except as Mayor, Warden, Reeve, Deputy Reeve, or Township Councillor), and no person having by himself or his partner an interest in any contract with or on behalf of the Corporation, shall be qualified to be a Member of the Council of the Corporation.

EXEMPTIONS.

Exemptions.

74. All persons over sixty years of age; all Members and Officers of the Legislative Council and of the Legislative Assembly; all persons in the Civil Service of the Crown; all Judges, not disqualified by the last preceding section, all Sheriffs and Coroners; all persons in Priests' Orders, Clergymen and Ministers of the Gospel of every denomination; all Members of the Law Society of Upper Canada, whether Barristers or Students; all Attorneys and Solicitors in actual practice; all Officers of Courts of Justice; all Members of the Medical Profession, whether Physicians or Surgeons; all Professors, Masters, Teachers and other Members of any University, College or School in Upper Canada, and all Officers and Servants thereof; all Millers; and all Firemen belonging to an authorized Fire Company—are exempt from being elected or appointed Councillors or to any other Corporate Office.

ELECTORS.

Electors, qualification of in Townships, &c., having an assessment-roll.

75. The Electors of every Municipality for which there is an assessment-roll, and the Electors of every Police village, shall be the male freeholders thereof, and such of the householders thereof as have been resident therein for one month next before the election, who are natural-born or naturalized subjects of Her Majesty,

Majesty, and of the full age of twenty-one years, and who were severally rated on the last revised assessment-rolls, for real property in the Municipality or Police village, held in their own right or that of their wives as proprietors or tenants.

In Cities, Towns, and Incorporated Villages.

76. In Cities, Towns and Incorporated Villages, such real property, whether freehold or leasehold, or partly each, must have been so rated as of at least the annual value following:

In Incorporated Villages, Twelve dollars;

In Towns, Twenty dollars; and

In Cities, Thirty dollars.

In newly erected Townships not having any assessment-rolls.

77. At the first election for a newly erected Municipality for which there is no separate assessment-roll, every resident male inhabitant, though not previously assessed, shall be entitled to vote if he possesses the other qualifications above mentioned, and has at the time of the election sufficient property to have entitled him to vote if he had been rated for such property; and every person so claiming to vote shall name the property on which he votes, and the Returning Officer, at the request of any Candidate or voter, shall note the property in his poll book opposite the voter's name.

Wards in which electors shall vote.

78. When a Municipality is divided into Wards or electoral divisions, no elector shall vote in more than one Ward or electoral division; and if entitled to vote in the Ward in which he resides, he shall not be entitled to vote in any other Ward or electoral division.

When landlord and tenant both rated.

79. In case both the owner and occupant of any real property are rated therefor, both shall be deemed rated within this Act.

When joint owners rated together.

80. When any real property is owned or occupied jointly by two or more persons, and is rated at an amount sufficient, if equally divided between them, to give a qualification to each, then each shall be deemed rated within this Act, otherwise none of them shall be deemed so rated.

ELECTIONS.

THE HOLDING OF, IN CERTAIN PLACES PROHIBITED.

Cities, Towns &c., not to form parts of Townships.

Elections not in Taverns.

81. No Election of Township Councillors shall be held within any City, Town or Incorporated Village, nor shall any Election for a Municipality or any Ward thereof be held in a tavern or house of public entertainment licensed to sell spirituous liquors.

FIRST

FIRST ELECTIONS IN NEW OR EXTENDED MUNICIPALITIES.

First elections where Corporations are newly erected or extended.

82. (1.) In case of the Incorporation of a new Township or Union of Townships, and

(2.) In case of the separation of a junior Township from a Union of Townships, and

(3.) In case of the erection of a Police into an Incorporated Village, or of the erection of a Village into a Town or of a Town into a City, and

(4.) In case of an additional tract of land being added to an Incorporated Village, Town or City, or in case of a new division into Wards of a Town or City;

Time of Elections.

(5.) In each of the foregoing cases, the first election under the Proclamation or By-law by which the change was effected, shall take place on the first Monday in January next after the end of three calendar months from the date of the Proclamation, or from the passing of the By-law by which the change is made, and until such day the change shall not go into effect.

SUBSEQUENT ELECTIONS.

Places of Elections.

83. Every Election shall be held in the Municipality or Police Village to which the same relates, and when the Municipality has been divided into Wards, the election shall be by Wards, and every Ward election shall be held within the Ward.

To be fixed by By-law for Municipalities.

84. The Council of every Municipality (including a Village newly erected into a Town, and a Town newly erected into a City) shall, from time to time by By-law, appoint the place or places for holding the next ensuing Municipal Election, otherwise the Election shall be held at the place or places at which the last Election for the Municipality or Wards was held.

Also for Police Villages.

85. The Council by which a Police Village is established shall, by the By-law establishing the same, name the place in the Village for holding the Election of Police Trustees.

Yearly elections of Councillors and Police Trustees.

86. The Electors of every Municipality (except a County) shall elect annually on the first Monday in January, the Members of the Council of the Municipality, and, on the second Monday in January, the Electors of every Police Village shall annually elect the Police Trustees of the Village, and the persons so elected shall hold office until their successors are elected or appointed and sworn into office, and the new Council or Board of Police Trustees is organized.

First Election in junior

87. When a junior Township of a Union has one hundred resident freeholders and householders on the last revised assessment-roll,

assessment-roll, the Council of the County shall, by a By-law to be passed before the thirty-first day of October, in the same year, fix the place for holding the first annual election of Councillors in the Township, and appoint a Returning Officer for holding the same, and otherwise provide for the due holding of the election according to law. Township after separation.

88. In case of the separation of a Union of Townships, the existing division into Wards, if any, shall cease as if the same had been duly abolished by By-law, and the elections of Councillors shall be by general vote until the Township or Townships are again divided into Wards under the provisions of this Act. Ward divisions in United Townships to cease on dissolution of Union.

89. When there is no division of a Township into Wards, the election of Councillors shall be by general vote, and shall be held at the place or places where the last election was held, or in such other place or places as may be from time to time fixed by By-law. Where elections to be held in Townships not divided into Wards.

RETURNING OFFICERS.

90. The Council of every Municipality in which the election is to be by Wards or electoral divisions, shall from time to time by By-law appoint Returning Officers to hold the next ensuing elections. Returning Officers to be appointed by the Municipal Council.

WHEN CLERKS TO BE (EX-OFFICIO) RETURNING OFFICERS.

91. In the case of a Municipality in which the election is not to be by Wards or electoral divisions, the Clerk shall be the Returning Officer at all elections after the first. When Clerk to be ex officio Returning Officer.

RETURNING OFFICERS FOR THE FIRST ELECTION IN VILLAGES.

92. In every By-Law establishing a Police or Incorporated Village, a Returning Officer shall be appointed who is to hold the first election for such Village. For first election in Villages.

93. In Police Villages, after the first election, the Trustees thereof, or any two of them, shall, from time to time, by writing under their hands, appoint the Returning Officer. After first Election, Police Trustees to appoint.

IF RETURNING OFFICER ABSENT.

94. In case, at the time appointed for holding an election, the person appointed to be Returning Officer has died, or does not attend to hold the election within an hour after the time appointed, or in case no Returning Officer has been appointed, the electors present at the place for holding the election may choose from amongst themselves a Returning Officer, and such Returning Officer shall have all the powers, and shall forthwith The absence of the Returning Officer provided for.

forthwith proceed to hold the election and perform all the other duties of a Returning Officer.

4.—THE RETURNING OFFICER TO BE A CONSERVATOR OF THE PEACE.

Returning Officers to be conservators of the peace.

95. The Returning Officer shall, during the election, act as a Conservator of the Peace for the City or County in which the election is held; and he, or any Justice of the Peace having jurisdiction in the Municipality in which the election is held, may cause to be arrested, and may summarily try and punish by fine or imprisonment, or both, or may imprison or bind over to keep the peace, or for trial, any riotous or disorderly person who assaults, beats, molests or threatens any voter coming to, remaining at, or going from the election; and, when thereto required, all constables and persons present at the election, shall assist the Returning Officer or Justice of the Peace, on pain of being guilty of a misdemeanor.

5.—MAY SWEAR IN SPECIAL CONSTABLES.

Special Constables may be sworn in.

96. Every Returning Officer or Justice of the Peace may appoint and swear in any number of Special Constables to assist in the preservation of the peace and of order at the election; and any person liable to serve as Constable and required to be sworn in as a Special Constable by the Returning Officer or Justice shall, if he refuses to be sworn in or to serve, be liable to a penalty of twenty dollars, to be recovered to the use of any one who will sue therefor.

PROCEEDINGS AT ELECTIONS.

Elections how conducted.

97. The proceedings at Elections shall be as follow:

Notices.

1. Every Returning Officer shall, unless otherwise provided by law, give at least ten days' previous notice of the election to be held by him, by posting the notice in at least four public places in the Municipality, Ward, electoral division, or Police Village;

The clerk to deliver copies of the Assessment-Rolls to the Returning Officer.

2. The Clerk of the Municipality shall deliver to the Returning Officer who is to preside at the Election for the same, or for every or any Ward, or electoral division thereof, a correct copy of so much of the last revised Assessment-Roll for the Municipality, Ward, or electoral division as contains the names of all male Freeholders and Householders rated upon the Roll in respect of real property lying in the Municipality, Ward, or electoral division with the assessed value of the real property for which every such person is so rated;

With his declaration veri-

3. The Clerk shall deliver with such copy his solemn declaration, to the effect that the copy is a true copy of so much

much of the said Roll as relates to such Municipality, Ward or electoral division, and contains the names of all Male Freeholders and Householders rated upon the Roll in respect of real property lying in the Municipality, Ward or electoral division, with the assessed value of the real property for which they are so rated respectively; fying the same.

4. The Township Clerk shall also deliver to the Returning Officer who is to preside at the Election for any Police Village in the Township, a correct copy of so much of the said assessment-roll as contains the names of all the male freeholders and householders in the Village, and the amount for which they are respectively assessed, together with a like solemn declaration, verifying the same, as in the case of Municipal Elections; Township Clerk to deliver assessment-roll to Returning Officer for Police Villages.

5. The Returning Officer shall provide a poll-book; and at every Election at which a poll is demanded, he, or his sworn poll-clerk, shall enter in such book, in separate columns, the names of the candidates proposed and seconded by any electors present at the Election, and shall, opposite to such columns, write the names of the electors offering to vote at the election, and shall, in each column in which is entered the name of a candidate voted for by a voter, set the figure "1" opposite the voter's name; Poll book to be provided. Its contents.

6. The Returning Officer shall commence every Election at ten of the clock in the forenoon; Hour for commencing Elections.

7. The Returning Officer may close the Election in one hour after commencing the same, if within that time no more candidates are proposed than by his writ he is to return; but in case there are more Candidates and a poll is demanded, he shall keep open the Election until four of the clock in the afternoon of the first day and then adjourn the same until ten of the clock in the forenoon of the next day, not being a Sunday, or a legal Holy-day, and continue the same till four of the clock in the afternoon thereof, and no longer; but if in the meantime he sees that all the electors intending to vote have had a fair opportunity of being polled, and if one full hour at one time has elapsed without any qualified elector during that time giving or tendering his vote, free access having been allowed to electors for the purpose, the Returning Officer may close the Election at four o'clock of the first day, or at any earlier hour of the second day; Time of closing.

WHAT OATHS HE MAY ADMINISTER.

8. The Returning Officer may administer all oaths or affirmations necessary at the election; Returning Officer may administer oaths.

OATHS

OATHS AND QUESTIONS THAT MAY BE PUT TO ELECTORS.

The only oaths to be required of voters.

9. At any election, or at any public vote in respect of a By-law which requires the assent of the electors, the only oaths or affirmations to be required of any person claiming to vote, and appearing by the last revised assessment-roll (if any,) to have the necessary property qualification, are, that he is of the full age of twenty-one years—and is a natural-born or naturalized subject of Her Majesty,—that he has been, if a householder, a resident within the Municipality for which the election is held, or vote taken, for one month next before the election, and that he has not before voted at the election or on the By-law (*as the case may be*); and that he is the person named in the last revised assessment-roll: (*or, in case of a new Municipality in which there has not yet been any assessment roll*) that he is a resident freeholder or householder in (*naming the property entitling him to vote at the election*); and that he has not directly or indirectly received any reward or gift, nor does he expect to receive any, for the vote which he tenders at this election. And such oaths shall be administered at the request of any candidate or elector. And no inquiries shall be made of any such person except with respect to the facts specified in such oaths or affirmations;

Returning Officer to declare result of the Election.

10. The Returning Officer shall, at the close of the poll, add up the number of votes set down for each candidate, (except for the office of Mayor in Cities and Towns,) and shall publicly declare the same, beginning with the candidate having the greatest number, and so on with the others, and shall thereupon publicly declare elected the candidate or candidates respectively standing highest on the Poll;

When to have casting vote.

11. In case two or more candidates have an equal number of votes, the Returning Officer, whether otherwise qualified or not, shall give a vote for one or more of such candidates, so as to decide the Election; and, except in such case, no Returning Officer shall vote at any Election held by him.

Poll-books to be returned to the clerk.

98. The Returning Officer shall, within three days after the close of the Election, return the poll-book to the Clerk of the Municipality from whom he received the copy of the assessment-roll, and also his solemn Declaration thereto annexed, that the poll-book contains a true statement of the poll, and his certificate of the persons, naming them, who have been duly elected.

Election riotously broken up, to be resumed.

99. In case, by reason of a Riot or other emergency, an Election is not commenced on the proper day or is interrupted after being commenced and before the lawful closing thereof, the Returning Officer shall hold or resume the Election on the following day at the hour of ten o'clock in the forenoon, and continue the same from day to day if necessary, until the poll has been

been open without interruption and with free access to voters, for twelve hours in all, or thereabouts, in order that all the Electors so intending may have had a fair opportunity to vote.

If Election is prevented for four days, Poll-book to be returned, and a new Election to be ordered.

100. But in case the Election has not, by the end of the fourth day from the day the same commenced or should have commenced, been kept open for the necessary time, the Returning Officer shall not return any person as elected, but shall return his poll-book on the following day to the Clerk of the Municipality, certifying the cause of there not having been an Election, and a new Election shall take place; and the Head of the Municipality shall issue his warrant accordingly.

ELECTION OF MAYORS OF CITIES AND TOWNS.

Election of Mayors.

101. Mayors of Cities and Towns shall be chosen by the electors of such Cities and Towns at the Annual Election to be held on the first Monday in January.

Qualification of.

102. The qualification of a Mayor shall be the same as that of an Alderman in Cities, and of a Councillor in Towns.

Time and place for nominating.

103. A meeting of the electors shall take place for the nomination of candidates for the Mayoralty, at the City or Town Hall, on the last Monday but one in the month of December before the Annual Election, at ten of the clock in the forenoon.

The Clerk to preside.

104. The City, or Town Clerk respectively, shall preside at such meeting, or, in case of his absence, the Council shall appoint a person to preside in his place. If the Clerk or the person so appointed does not attend, the electors present shall choose a Chairman or person to officiate from among themselves.

With powers of a Returning Officer.

105. Such Clerk or Chairman shall have all the powers of a Returning Officer.

If only one candidate proposed.

106. If only one qualified candidate has been within one hour proposed by any elector present at such meeting, the Clerk or Chairman shall declare such Candidate duly elected Mayor.

If a Poll is demanded, the election to be by Wards.

107. If more candidates than one are proposed, and if a poll is demanded, the Clerk or Chairman shall on the following day post up in the Office of the Clerk the names of the persons proposed, and give notice thereof to the Returning Officer for every Ward.

Duration of Poll.

108. In case of a contest in an Election for the office of Mayor, the Returning Officer for every Ward shall keep the poll open for the full time required by law for taking the votes, though there may be no contest for the other offices for which he holds the Election.

109.

Poll-books to be kept;

109. Every Returning Officer shall enter in his poll-book, in separate columns, the names of the candidates for the office of Mayor; as well as the names of the candidates for the offices of Aldermen and Councilmen, in Cities, or of Councillors, in Towns, and shall, in the column in which is entered the name of a candidate for Mayor voted for by any voter, set the number "1" opposite the voter's name.

And returned to the clerk.

110. Every Returning Officer shall, on the day after the close of the poll, return the poll-book to the City or Town Clerk, verified as to the election of Mayor as well as in the other particulars required by this Act.

Returning Officer to add up Poll and declare the result.

111. The City or Town Clerk shall add up the number of votes set down for each candidate for Mayor in the respective poll-books so returned, and ascertain the aggregate number of such votes, and in case a poll has been taken and the poll-books have been returned for every Ward, the Clerk shall, at the City or Town-Hall, at noon of the day following the return of the poll-books, declare elected the candidate having the largest number of votes polled.

If no majority for any candidate.

112. In case there is no majority for any one candidate, the Clerk shall declare that two or more candidates, naming them, have an equal number of votes, or in case no return has been made for one or more Wards in consequence of no election having been held therein, or of the election having been interrupted through riot or other cause, he shall declare the want of returns for such Ward or Wards, and the cause thereof.

Mayor to take oath of office on the 1st day of meeting.

113. The Mayor elect shall make and subscribe the necessary declarations of office and qualification on the day appointed for the first meeting of the Council, and shall afterwards administer the necessary declarations to the other members of the Council.

All the Members to be sworn, &c.

114. No other business shall be proceeded with at the said meeting until the said declarations have been administered to all the members who present themselves to take the same.

If votes for Mayor equal.

115. In case two or more candidates for Mayor have an equal number of votes, the members of the Council shall take the necessary declarations before the Clerk, and shall after doing so organize themselves as a Council by electing as Mayor one of such candidates; the Clerk presiding at the Election.

If no return for one or more Wards, a temporary Head to be elected by the Council.

116 In case no return is made for one or more Wards in consequence of non-election, owing to interruption by riot or other cause, the members of Council elect being at least a majority of the whole members of the Council when full, shall elect one of the Aldermen elect in Cities, or one of the Councillors elect in Towns, to be the Presiding Officer, at which election

election the Clerk shall preside, and such Officer shall take the necessary declarations and possess all the powers of Mayor, until a poll for such Ward or Wards has been held under a warrant in the manner provided for in the one hundred and twenty-second section of this Act.

When Poll completed, clerk to add up votes and declare result; when and where.

117. When a Poll has been duly held in each of such Wards, and the poll-books returned to the Clerk, the Clerk shall add up the number of votes for Mayor therein set down for the respective candidates, and ascertain the aggregate number of votes for Mayor contained in such last mentioned poll-books, together with the votes contained in the poll-books previously returned for the other Wards, and shall, at noon on the next day, at the City or Town-Hall, declare elected Mayor the candidate having the greatest number of votes polled, or declare that there is an equality of votes for two or more candidates, (*as the case may be.*)

In case of equality, the Council to decide.

118. In case of an equality of votes, the Council shall appoint as Mayor one of the candidates between whom the equality exists.

Declaration and assumption of office.

119. The person so elected or appointed shall forthwith make the declaration in manner provided for Mayors, and assume the office of Mayor accordingly.

DUTIES OF MAYORS.

Mayor to be the Head of the Council; His duties.

120. The Mayor shall be deemed the Head of the Council, and the head and chief executive officer of the Corporation; and it shall be his duty to be vigilant and active at all times in causing the Law for the government of the City to be duly executed and put in force; to inspect the conduct of all subordinate officers in the government thereof, and as far as may be in his power, to cause all negligence, carelessness and positive violation of duty to be duly prosecuted and punished, and to communicate from time to time to the Council, all such information, and recommend all such measures as may tend to the improvement of the finances, the police, health, security, cleanliness, comfort and ornament of the City.

ELECTION WHEN SEATS VACATED, &c.

Seats vacated by insolvency absence, &c.

121. In case a Member of Council is convicted of felony or infamous crime, or is declared a Bankrupt, or is charged in execution for debt and remains in close custody, or upon the *Gaol Limits* for one calendar month, or applies for Relief as an Insolvent Debtor, or assigns his property for the benefit of creditors, or absents himself from the meetings of the Council for three months without being authorized by a resolution of the Council entered on its minutes, his seat in the Council shall thereby become vacant.

122.

New Elections provided for.

122. In any case provided for by the one hundred and sixteenth or one hundred and twenty-first sections, or in case a person elected to a Council neglects or refuses to accept office or to make the necessary declarations for office within the time required, or in case a vacancy occurs in the Council caused by death, judicial decision or otherwise, the Head of the Council for the time being, or in case of his absence or of his office being vacant, the Clerk, or in case of the like absence or vacancy in the office of the Clerk, one of the Members of the Council shall forthwith, by warrant under the signature of such Head, Clerk or Member, and under the Corporate Seal, require the Returning Officer appointed to hold the last Election for the Municipality, Ward and Electoral Division respectively, or any other person duly appointed to that office, to hold a new Election to fill the place of the person neglecting or refusing as aforesaid, or to fill the vacancy.

Term of office.

123. The person thereupon elected shall hold his seat for the residue of the term for which his predecessor was elected or for which the office is to be filled.

Non-election of Members not to prevent organization of Council.

124. In case such non-election, neglect or refusal as aforesaid, occurs previous to the organization of the Council for the year, the warrant for the new Election shall be issued by the Head or a Member of the Council for the previous year, or by the Clerk in like manner as provided for by the one hundred and twenty-second section, but such neglect or refusal shall not interfere with the immediate organization of the new Council, provided a majority are present of the full number of the Council.

Time for holding and notice of new Election.

125. The Returning Officer shall hold the new election at furthest within eight days after receiving the warrant, and shall, at least four days before the Election, post up a public notice thereof under his hand in at least four of the most public places in the Municipality, Ward or Electoral Division.

APPOINTMENTS IF ELECTION NEGLECTED.

Appointment if election neglected or declined.

126. In case at any annual or other Election the Electors, from any cause not provided for by the ninety-ninth and one hundredth sections, neglect or decline to elect the Members of Council for a Municipality on the day appointed, or to elect the requisite number of members, the other members of the Council, or if there are none, then the members for the preceding year, or the majority of them respectively, shall appoint as many qualified persons as will constitute or complete the number of members requisite; and the persons so appointed shall accept office and make the necessary declarations under the same penalty in case of refusal or neglect, as if elected.

CONTESTED ELECTIONS OR APPOINTMENTS.

Trial of contested Elections.

127. In case the validity of the election or appointment of a Mayor, Warden, Reeve, Deputy Reeve, Alderman, Councilman, Councillor or Police Trustee, is contested, a Judge of either of the Superior Courts of Common Law, or the Senior or officiating Judge of the County Court of the County in which the election took place, may, in Term or Vacation, try the validity thereof; and any candidate at the election, or any elector who gave or tendered his vote thereat, may be the Relator for the purpose.

PROCEEDINGS FOR THE TRIAL THEREOF.

128. The proceedings for the trial shall be as follows:

Time for limited, and security and proof required.

1. If within six weeks after the election, or one calendar month after acceptance of office by the person elected, the Relator shews by affidavit to any such Judge, reasonable grounds for supposing that the election was not conducted according to law, or that the person declared elected thereat was not duly elected, and if the Relator enters into a recognizance before the Judge, or before a Commissioner for taking bail in the sum of two hundred dollars, with two sureties, (to be allowed as sufficient by the Judge upon affidavit of justification,) in the sum of one hundred dollars each, conditioned to prosecute the Writ with effect or to pay the party against whom the same is brought any costs which may be adjudged to him against the Relator, the Judge shall direct a Writ of Summons in the nature of a *quo warranto* to be issued to try the validity of the election;

Writ of *quo warranto*.

When the Relator claims to be elected.

2. In case the Relator alleges that he himself or some other person has been duly elected, the Writ shall be to try the validity both of the election complained of and the alleged election of the Relator or other person;

When several are complained of.

3. In case the grounds of objection apply equally to two or more persons elected, the Relator may proceed by one Writ against such persons;

All to be tried by the same Judge.

4. Where more Writs than one are brought to try the validity of an election, all such Writs shall be made returnable before the Judge who is to try the first, and such Judge may give one judgment upon all or a separate judgment upon each one or more of them, as he thinks fit;

Writ, who to issue, and return day thereof.

5. The Writ shall be issued by the Clerk of the process of the said Superior Courts, or by the Deputy Clerk of the Crown in the County in which the election took place, and shall be returnable before the Judge in Chambers of the Superior Courts at Toronto, or before the Judge of the County Court at a place named in the Writ, upon the eighth day after service computed,

exclusively of the day of service, or upon any later day named in the Writ;

Returning Officer may be made a party.

6. The Judge, before whom the Writ is made returnable or is returned, may, if he thinks proper, order the issue of a Writ of Summons at any stage of the proceedings to make the Returning Officer a party thereto;

Service to be personal, unless excused by Judge.

7. Every Writ under this section shall be served personally, unless the party to be served keeps out of the way to avoid personal service, in which case the Judge upon being satisfied thereof by affidavit or otherwise, may make an order for such substitutional service as he thinks fit;

The Council or an Elector may intervene.

8. The Judge before whom the Writ is returned, may allow any person who was entitled to vote at the election, to intervene and defend the election, and may grant a reasonable time for the purpose. And any intervening party shall be liable or entitled to costs like any other party to the proceedings;

Judge shall try summarily.

9. The Judge shall, in a summary manner, upon statement and answer without formal pleadings, hear and determine the validity of the election, and may by order cause the assessment-rolls, collectors' rolls, poll-books, and any other records of the election, to be brought before him, and may inquire into the facts on affidavit or affirmation, or by oral testimony, or by issues framed by him and sent to be tried by Jury by Writ of Trial directed to any Court named by the Judge, or by one or more of these means, as he deems expedient;

And remove, admit or confirm.

10. In case the Election complained of is adjudged invalid, the Judge shall forthwith, by Writ, cause the person found not to have been duly elected to be removed; and in case the Judge determines that any other person was duly elected, the Judge shall forthwith order a Writ to issue causing such other person to be admitted; and in case the Judge determines that no other person was duly elected instead of the person removed, the Judge shall by the Writ cause a new Election to be held;

If all the Members ousted, &c., writ for new Election to go to the Sheriff.

11. In case the Election of all the Members of a Council is adjudged invalid, the Writ for their removal and for the Election of new Members in their place, or for the admission of others adjudged legally elected, and an Election to fill up the remaining seats in the Council, shall be directed to the Sheriff of the County in which the Election took place; and the Sheriff shall have all the powers for causing the Election to be held which a Municipal Council has in order to supply vacancies therein;

Defendant may disclaim.

12. Any person whose Election is complained of may, within one week after service on him of the Writ, transmit post paid, through the Post Office, directed "To the Clerk of Judge's Chambers,

Chambers, at Osgoode Hall, Toronto," or to "The Judge of the County Court," of the County of (*as the case may be*,) or may cause to be delivered to such Clerk or Judge, a disclaimer signed by him to the effect following: How to proceed.

"I, A. B., upon whom a Writ of Summons in the nature of "a *Quo Warranto* has been served for the purpose of contesting my right to the office of Township Councillor, (*or as the case may be*) for the Township of , in the County of (*or as the case may be*), do hereby disclaim the said office, and all defence of any right I may have to the same."

Dated the day of , 185 .

(Signed,) A. B.

13. Such disclaimer, or the envelope containing the same, shall moreover be endorsed on the outside thereof with the word "Disclaimer," and be registered at the Post Office where mailed; Registry of disclaimer.

14. Every person so disclaiming shall deliver a duplicate of his Disclaimer to the Clerk of the Council, and the Clerk shall forthwith communicate the same to the Council; Disclaimer to be delivered to Clerk.

15. No costs shall be awarded against any person disclaiming as aforesaid, unless the Judge is satisfied that such party consented to his nomination as a candidate or accepted the office, in which cases the costs shall be in the discretion of the Judge; Costs provided for.

16. In all cases, not otherwise provided for, costs shall be in the discretion of the Judge; When discretionary.

17. The decision of the Judge shall be final, and he shall, immediately after his Judgment, return the Writ and Judgment with all things had before him touching the same into the Court from which the Writ issued, there to remain of record as a judgment of the said Court; and he shall, as occasion requires, enforce such judgment by a Writ in the nature of a Writ of Peremptory *Mandamus*, and by Writs of Execution for the costs awarded; Judge to return his Judgment to the Court in Term; it shall be final.

18. The Judges of the Superior Courts of Common Law, or a majority of them, may, by rules made in Term time, settle the forms of the Writs of Summons, *Certiorari*, Mandamus and execution, and may regulate the practice respecting the suing out, service and execution of such Writs, and the punishment for disobeying the same or any other writ or order of the Court or Judge, and respecting the practice generally, in hearing and determining the validity of such Elections or appointments, and respecting the costs thereon; and may from time The Judges to make rules, &c.

to time rescind, alter or add to such rules: But all existing Rules shall remain in force until rescinded or altered as aforesaid.

Appointments equivalent to Elections.

129. The appointment of members of Municipal Councils when required to be made under this Act shall be deemed elections within the preceding section, and in such cases the Relator may be any Member of the Council or any Elector of the Municipality or Ward for which the appointment was made.

MEETINGS OF COUNCIL, &c.

FIRST MEETING OF MEMBERS ELECT.

First meetings of Councils.

130. The Members of every Municipal Council, (except County Councils,) and the Trustees of every Police Village, shall hold their first meeting at noon on the third Monday of the same January in which they are elected, or on some day thereafter at noon; and the Members of every County Council shall hold their first meeting at noon, or some hour thereafter, on the fourth Tuesday of the same month, or on some day thereafter.

Place in Counties.

131. The members of every County Council shall hold their first meeting at the County Hall, if there is one, or otherwise at the County Court House.

ELECTION OF HEADS OF COUNCIL OTHER THAN OF CITIES AND TOWNS.

Elections of Heads of other councils than Cities and Towns.

132. The members elect of every Council, except a City or Town Council, being at least a majority of the whole number of the Council when full, shall, at their first meeting after the yearly elections, and after making the declarations of office and qualification when required to be taken, organize themselves as a Council by electing one of themselves to be the Warden or Reeve of the Corporation, and such person shall be the Head of the Council.

Who to preside at.

133. At every such election the Clerk of the Council shall preside, and if there is no Clerk, the members present shall select one of themselves to preside, and the person selected may vote as a member.

Who to have the casting vote in the event of an equality of Votes.

134. In case of an equality of votes on the election of the Head of any County Council or Provisional County Council, then, of those present, the Reeve, or in his absence, the Deputy Reeve, of the Municipality which has the largest number of names on its last revised assessment-roll, shall have a second and casting vote, and in case of the like occurrence in any other Council, then, of those present, the member who has been assessed for the highest amount on such roll, shall have the like vote.

135.

125. The members of the Council of every Town not withdrawn from the jurisdiction of the County Council, and the Council of every Incorporated Village shall, at its first meeting, elect from among its members a Reeve, and in case any such Town, or Incorporated Village or any Township had the names of five hundred resident free-holders or householders on the last revised Assessment-Roll, the members of the Council of the Town, Village and Township, shall also at its first meeting elect from among its members a Deputy Reeve. Election of Reeves and Deputy Reeves.

SUBSEQUENT MEETINGS.

126. The subsequent meetings of the County Council, and all the meetings of every other Council, shall be held at such place, either within or without the Municipality, as the Council from time to time, by Resolution on adjourning to be entered on the minutes, or by By-law, appoints. Place of meeting of Council in Municipalities.

127. The Council of the County in which any City lies, may hold its sittings, keep its public offices, and transact all the business of the Council and of its officers and servants within such City, and may purchase and hold such Real property therein as may be convenient for such purposes. Place of in Cities.

128. Every Council shall hold its ordinary meetings openly, and no person shall be excluded except for improper conduct. Meetings to be open.

129. In case there is no By-law of a Council fixing the place of meeting, any Special Meeting of the Council shall be held at the place where the then last Meeting of the Council was held; and a special Meeting may be open or closed as in the opinion of the Council, expressed by Resolution in writing, the public interest requires. Special may be close.

140. A majority of the whole number of members required by law to constitute the Council shall form a quorum. Quorum.

141. When a Council consists of only five Members, the concurrent votes of at least three shall be necessary to carry any resolution or other measure. In Councils of five, three must concur.

142. Every Council may adjourn its Meetings from time to time. Adjournments.

WHO TO PRESIDE IN COUNCIL.

143. The Head of every Council shall preside at the meetings of Council; and may at any time summon a special meeting thereof; and it shall be his duty to summon a special meeting whenever requested in writing by a majority of the Council. The Heads to preside in Council.

144.

When Reeve or Deputy Reeve to preside.

144. In case of the death or absence of the Head of a Town Council, the Reeve, and in case of the absence or death of both of them, the Deputy Reeve, and in case of the death or absence of the Head of a Village or Township Council, the Deputy Reeve, shall preside at the meetings of Council, and may at any time summon a special meeting thereof.

Absence of Head provided for.

145. In the absence of the Head of the Council, and in the case of a Town, Village or Township in the absence also of the Reeve, if there be one, and also of the Deputy Reeve, if there be one, by leave of the Council, or from illness, the Council may, from among the members thereof eligible to be elected Head, appoint a presiding officer, who, during such absence, shall have all the powers of the Head of the Council.

Casual absence provided for.

146. If the person who ought to preside at any Meeting does not attend within a reasonable time after the hour appointed, the members present may appoint a Chairman from amongst themselves, and such Chairman shall have the same authority in presiding at the meeting as the absent person would have had if present.

Head to vote. *Presumitur pro negante*, in case of ties.

147. The Head of the Council, or the Presiding Officer or Chairman of any meeting of any Council, may vote with the other Members on all questions, and any question on which there is an equality of votes shall be deemed to be negatived.

RESIGNATIONS OF HEADS OF COUNCIL.

Resignation of Heads provided for.

148. The Head of a Council or the Reeve of a Town or the Deputy Reeve of a Town, Village or Township may, at any time, resign his office, and in such case, or in the case of a vacancy in any such office by death or otherwise, the Council, or its remaining members, shall, at a special meeting for the purpose, or at the first regular meeting after the vacancy occurs, elect from among themselves a qualified person to fill the office.

Vacancies how filled.

OF COUNCILLORS.

Members may resign.

149. Any Member of a Council may, with the consent of the majority of the members thereof, to be entered on the minutes of the Council, resign his seat in the Council, and the vacancy shall be supplied as in the case of a natural death.

OFFICERS OF CORPORATIONS.

THE CLERK, AND DUTIES OF.

The Clerk, and his duties.

150. Every Council shall appoint a Clerk; and the Clerk shall truly record in a book without note or comment, all resolutions, decisions and other proceedings of the Council, and, if required

required by any member present, shall record the name and vote of every member voting on any matter submitted, and shall keep the books, records and accounts of the Council; and shall preserve and file all accounts acted upon by the Council, and also the originals or certified copies of all By-laws, and of all minutes of the proceedings of the Council, all which he shall so keep in his office, or in the place appointed by By-law of the Council.

Minutes, &c., to be open to inspection. Copies to be furnished, and charges therefor, &c.

151. Any person may inspect any of the particulars aforesaid at all seasonable times; and the Clerk shall within a reasonable time furnish copies thereof to any applicant at the rate of six pence per hundred words, or at such lower rate as the Council appoints, and shall, on payment of his fee therefor, furnish, within a reasonable time to any elector of the Municipality, or to any other person interested in any By-law, Order or Resolution, or to his Attorney, a copy of such By-law, Order or Resolution, certified under his hand and under the Corporate Seal.

Clerk to transmit a yearly return of rate-payers to the Receiver General.

152. The Clerk of every City, Town, Incorporated Village and Township, shall, on or before the first day of December in each year, transmit to the Receiver General a true Return of the number of resident rate-payers appearing on the revised assessment-roll of his Municipality for the year, and shall accompany such return with an affidavit made before a Justice of the Peace verifying the same, in the following form:

"I, A. B., Clerk of the Municipality of the City, (Town, "Township *or* Village, *as the case may be*,) make oath and say, "that the above or the within written, or the annexed "return, contains a true statement of the number of "resident rate-payers appearing on the Assessment-roll of "the said City, (Town, Township *or* Village,) for the year one thousand eight hundred and fifty-

(Signed) A. B.

"Sworn before me, &c."

Penalty for default.

153. And in case of default in any year so to transmit, the Clerk shall be liable to a penalty of twenty dollars, to be paid to the Receiver General for the use of the Province, to be recovered by summary proceedings in the manner provided for the recovery of penalties for infringing By-laws under this Act.

To make a yearly return to the County Clerk.

154. The Clerk of every Township, Village and Town shall, in each year, within one week after the first day of January, make a return to the Clerk of the County in which the Municipality is situate, of the following particulars respecting his Municipality for the year then last past, namely:

1. Number of persons assessed.

Heads of columns in Assessment-Rolls, to be varied according to the form of the Assessment-rolls required by law.

2. Number of acres assessed.
3. Total of rentals of real property.
4. Total of yearly value other than rentals of real property.
5. Total actual value of real property.
6. Total of taxable incomes.
7. Total value of personal property.
8. Total yearly value of personal property.
9. Total amount of assessed value of real and personal property.
10. Total amount of taxes imposed by By-laws of the Municipality.
11. Total amount of taxes imposed by By-laws of the County Council.
12. Total amount of taxes imposed by By-laws of any Provisional County Council.
13. Total amount of Lunatic Asylum or other Provincial tax.
14. Total amount of all taxes as aforesaid.
15. Total amount of income collected or to be collected from assessed taxes for the use of the Municipality.
16. Total amount of income from licenses.
17. Total amount of income from public works.
18. Total amount of income from shares in incorporated Companies.
19. Total amount of income from all other sources.
20. Total amount of income from all sources.
21. Total expenditure on account of roads and bridges.
22. Total expenditure on account of other public works and property.
23. Total expenditure on account of stock held in any incorporated Company.
24. Total expenditure on account of schools and education, exclusive of School Trustees rates.
25. Total expenditure on account of the support of the poor or charitable purposes.
26. Total expenditure on account of Debentures and interest thereon.
27. Total gross expenditure on account of Administration of Justice in all its branches.
28. Amount received from Government on account of Administration of Justice.
29. Total nett expenditure on account of administration of Justice.
30. Total expenditure on account of salaries, and the expenses of Municipal Government.
31. Total expenditure on all other accounts.
32. Total expenditure of all kinds.
33. Total amount of liabilities secured by Debentures.
34. Total amount of liabilities unsecured.
35. Total liabilities of all kinds.
36. Total value of real property belonging to Municipality.

37. Total value of stock in incorporated Companies owned by Municipality.
38. Total amount of debts due to Municipality.
39. Total amount of arrears of taxes.
40. Balance in hands of Treasurer.
41. All other property owned by Municipality.
42. Total assets.

County Clerk to make a return to the Provincial Secretary.

155. The Clerk of every County shall, before the first day of February, in each year, prepare and transmit to the Provincial Secretary a Statement of the aforesaid particulars respecting all the Municipalities within his County, entering each Municipality in a separate line, and the particulars required opposite to it, each in a separate column, together with the sum total of all the columns for the whole County, and shall also make at the same time a Return of the same particulars respecting his County, as a separate Municipality.

And also Clerks of Cities.

156. The Clerk of every City, shall, before the first day of February in each year, make a return to the Provincial Secretary of the same particulars respecting his City.

Moneys to be retained if returns not made.

157. The Treasurer of the County shall retain in his hands any moneys payable to any Municipality, if it is certified to him by the Clerk of the County that the Clerk of such Municipality has not made the Returns hereinbefore required; and the Receiver-General shall retain in his hands any moneys payable to any Municipality if it is certified to him by the Provincial Secretary that the Clerk of such Municipality has not made the Returns hereinbefore required; and any person so required to make any Return by a particular day who fails so to do, shall be liable to a penalty of not more than twenty dollars, to be paid to the Receiver-General for the use of the Province, to be recovered as last aforesaid.

Provincial Secretary to lay the returns before Parliament.

158. The Provincial Secretary shall, as soon as may be after the commencement of every Session, lay before both Houses of the Legislature a copy of all Returns hereinbefore required to be made.

CHAMBERLAIN AND TREASURER.

Treasurer to be appointed.
To give security.

159. Every City Council shall appoint a Chamberlain, and every other Council shall appoint a Treasurer; and every Chamberlain and Treasurer, before entering upon the duties of his office, shall give such security as the Council directs for the faithful performance of his duties, and especially for duly accounting for and paying over all moneys which may come into his hands.

To receive and take care of and disburse moneys, &c.

160. Every Treasurer and Chamberlain respectively shall receive and safely keep all moneys belonging to the Corporation, and shall pay out the same to such persons and in such manner

manner as the Laws of the Province and the lawful By-laws or resolutions of the Council direct.

To make a return yearly to the Provincial Board of Audit.

161. The Treasurer or Chamberlain of every Municipality for which any sum of money has been raised on the credit of the Consolidated Municipal Loan Fund, shall, so long as any part of such sum, or of the interest thereon, remains unpaid by such Municipality, transmit to the Board of Audit, on or before the Fifteenth day of January in every year, a Return, certified on the oath of the Treasurer or Chamberlain before some Justice of the Peace, containing the amount of taxable property in the Municipality according to the then last Assessment-Roll or Rolls,—a true Account of all the Debts and Liabilities of the Municipality for every purpose, for the then last year,—and such further information and particulars with regard to the liabilities and resources of the Municipality, as the Governor in Council may from time to time require, under a penalty, in case of neglect or refusal to transmit the Return, account, information or particulars, of one hundred dollars, to be recovered with costs as a debt due to the Crown, according to the fifteenth Section of the Statute, eighteenth Victoria chapter seventy-eight, to secure the more efficient Auditing of the Public accounts.

ASSESSORS AND COLLECTORS.

Assessors and Collectors, appointments and qualification of.

162. The Council of every Municipality except a County shall, as soon as may be convenient after the annual election, appoint as many Assessors and Collectors for the Municipality as the Assessment Laws from time to time authorize or require, and shall fill up any vacancy that occurs in the said offices as soon as may be convenient after the same occurs; but the Council shall not appoint as Assessor or Collector a member of the Council, or a person who has not the same property qualification as that required for a Councillor or Councilman of the Municipality. The same person may, in a City, Town or Township, be appointed Assessor or Collector for more than one Ward.

Assessors to designate freeholders and householders in their assessment-rolls.

163. The Assessors shall state in their Assessment-Rolls whether the persons named therein are Freeholders or Householders, or both, and shall, in separate columns for this purpose, use the initial letters F and H to signify the same respectively.

Householder defined.

164. Every occupant of a separate portion of a house, such portion having a distinct communication with a Public road or street by an outer door, shall be deemed a Householder within this Act.

Collector of Provisional County.

165. The Collectors of the several Townships in a Junior County of a Union of Counties shall *ex officio* be Collectors of such Townships for the Provisional Council, and the Collectors shall pay over to the Provisional Treasurer the money they collect under any By-law of the Provisional Council.

166

166. The money so collected shall be deemed the money of the Union, so far as necessary to make the Collectors and their sureties responsible to the Union therefor. And in case the Corporation of the Union receives the same, such Corporation shall immediately pay the amount to the Provisional Treasurer, retaining the expenses of collection. Moneys how to be disposed of.

AUDITORS.

167. Every Council shall, at the first meeting thereof in every year after being duly organized, appoint two Auditors, one of whom shall be such person as the Head of the Council nominates; but no one who, at such time or during the preceding year, is or was a Member, or is or was Clerk or Treasurer of the Council, or who has or during such preceding year had, directly or indirectly, alone or in conjunction with any other person, a share or interest in any contract or employment with or on behalf of the Corporation, except as Auditor, shall be appointed an Auditor. Auditors. Disqualification for office of.

168. The Auditors shall examine and report upon all accounts affecting the Corporation, or relating to any matter under its control or within its jurisdiction, for the year ending on the thirty-first day of December preceding their appointment. Duties of.

169. The Auditors shall prepare an abstract of the receipts, expenditures and liabilities of the Corporation; and also a detailed statement of the said particulars in such form as the Council directs, and report in duplicate on all the accounts audited by them; and shall file the same in the office of the Clerk of the Council within one month after their appointment, and thereafter any inhabitant or rate-payer of the Municipality may inspect one of such duplicate reports, at all seasonable hours; and may, by himself or his agent, at his own expense, take a copy thereof or extracts therefrom. To prepare abstract and detailed statement of receipts and expenditures, &c.

170. The Council shall, upon the report of the Auditors, finally audit and allow the accounts of the Treasurer or Chamberlain and Collectors and all accounts chargeable against the Corporation; and in case of charges not regulated by law, the Council shall allow what is reasonable. The Council to audit finally, &c.

171. The Clerk shall print and publish the Auditors' abstract, and shall also publish the detailed statement in such form as the Council directs. Clerk to publish abstracts and statements.

172. Every County Council shall have the regulation and auditing of all moneys to be paid out of funds in the hands of the County Treasurer. Audit of moneys paid by Treasurer.

SALARIES AND CONTINUANCE IN OFFICE.

173. In case the remuneration of any of the officers of the Municipality has not been settled by Act of the Legislature, the Council Salaries of officers.

Council shall settle the same, and the Council shall provide for the payment of all municipal officers, whether the remuneration is settled by Statute or by By-law of the Council.

Of Chamberlain or Treasurer.

174. The Chamberlain or Treasurer may be paid a salary or percentage, and all officers appointed by a Council shall hold office until removed by the Council, and shall, in addition to the duties assigned to them in this Act, perform all other duties required of them by any other Statute, or by the By-laws of the Council having jurisdiction over such officers.

OFFICIAL DECLARATIONS.

Declaration of Qualification.

175. Every person elected or appointed under this Act to any office requiring a qualification of property in the incumbent shall, before he takes the declaration of office, or enters on his duties, make and subscribe a solemn declaration to the effect following:

Form of.

"I, A. B., do solemnly declare, that I am a natural-born (*or* "naturalized) subject of Her Majesty; that I am truly and *bond* "*fide* seized or possessed to my own use and benefit, of such an "estate, (*specifying the nature of such estate, and if land, desig-* "*nating the same by its local description, rents or otherwise,*) as "doth qualify me to act in the office of (*naming the office*) for "(*naming the place for which such person has been elected* or "*appointed*) according to the true intent and meaning of the "Municipal Laws of Upper Canada."

Declaration of office.

176. Every Returning Officer and Returning Officer's Clerk, every Township, Village, Town and City Councillor, every Alderman, every Justice of the Peace for a Town, and every Clerk, Assessor, Collector, Constable and other officer appointed by a Council, shall also, before entering on the duties of his office, make and subscribe a solemn declaration to the effect following:

Form of Declaration of office.

"I, A. B., do solemnly promise and declare, that I will truly, "faithfully and impartially to the best of my knowledge and "ability, execute the office of (*inserting the name of the office*) "to which I have been elected (*or* appointed) in this Township, "(*or as the case may be,*) and that I have not received and will "not receive any payment or reward, or promise of such, for the "exercise of any partiality or malversation or other undue "execution of the said office."

Denial of disqualifying interest, who to take.

177. The solemn declaration to be made by every Mayor and Alderman, and by every Township, Village, Town and City Councillor, shall also state that he has not by himself or his partner an interest in any contract with or on behalf of the Corporation.

178. The solemn declaration to be made by every Auditor shall be as follows: Auditor's declaration.

"I, A. B., having been appointed to the office of Auditor for "the Municipal Corporation of , do hereby promise and "declare that I will faithfully perform the duties of such office "according to the best of my judgment and ability: and I do "solemnly declare, that I had not directly or indirectly any "share or interest whatever in any contract or employment "(*except that of* Auditor, *if re-appointed*) with, by or on behalf "of such Municipal Corporation, during the year preceding "my appointment, and that I have not any contract or employ- "ment (*except that of* Auditor, *if re-appointed*) for the present "year." Form of oath.

179. The Head and other members of the Council and the subordinate officers of every Municipality, shall make the declaration of office and qualification before some Court, Judge, Recorder, Police Magistrate or other Justice of the Peace having jurisdiction in the Municipality for which such Head, members or officers have been elected or appointed, or before the Clerk of the Municipality. Heads and other members of the Council before whom to declare.

180. The Court, Judge or other person before whom such declarations are made, shall give the necessary Certificate of the same having been duly made and subscribed. Certificate of.

181. The Head of any Council, any Alderman, Reeve or Deputy Reeve, any Justice of the Peace of a Town, and the Clerk of a Municipality, may, within the Municipality, administer any oath, affirmation or declaration under this Act, relating to the business of the place in which he holds office, except where otherwise specially provided, and except where he is the party required to take the oath or affirmation, or make the declaration. Head of Council and Reeves may administer oaths, &c.

182. The deponent, affirmant or declarant shall subscribe every such oath, affirmation or declaration, and the person administering it shall duly certify and preserve the same, and within eight days deposit the same in the office of the Clerk of the Municipality to the affairs of which it relates, on pain of being deemed guilty of a misdemeanor. Oath or declaration to be subscribed.

183. Every qualified person duly elected or appointed to be a Mayor, Alderman, Councilman, Reeve, or Deputy Reeve, Councillor, Police Trustee, Assessor or Collector of or in any Municipality, who refuses such office, or does not make the declarations of office and qualification within twenty days after knowing of his election or appointment, and every person authorized to administer any such declaration, who, upon reasonable demand, refuses to administer the same, shall, on conviction thereof before two or more Justices of the Peace under Penalty for refusing to accept office or take the oaths, &c.

under and subject to the summary convictions Act of Sixteenth Victoria, Chapter one hundred and seventy-eight, forfeit not more than eighty dollars nor less than eight dollars, at the discretion of such Justices, to the use of the Municipality, together with the costs of prosecution.

EMBEZZLEMENT OF BOOKS, MONEYS.

Embezzlements by Municipal Officers.

184. All books, papers, accounts, documents, moneys and valuable securities respectively, by any person or officer appointed or employed by or on behalf of any Council, kept or received by virtue of his office or employment, shall be the property of the Corporation; and in case any such person or officer refuses or fails to deliver up or pay over the same respectively to the Corporation, or to any person authorized by the Council to demand them, he shall be deemed guilty of a fraudulent embezzlement thereof, and may be prosecuted and punished in the same manner as a servant fraudulently embezzling any chattel, money or valuable security of his master; but nothing herein shall affect any remedy of the Corporation or of any other person against the offender or his sureties, or any other party; nor shall the conviction of such offender be receivable in evidence in any suit, at law or in equity, against him.

PROVISIONS APPLICABLE TO ALL COUNCILS.

Certain sections to apply to all Municipalities.

185. The following sections numbered from 186 to 240, both inclusive, relate to all Municipalities, namely:

1. Townships,
2. Counties,
3. Provisional Corporations,
4. Cities,
5. Towns, and
6. Incorporated Villages.

JURISDICTION OF COUNCILS.

Local Jurisdiction of Councils.

186. The Jurisdiction of every Council shall be confined to the Municipality the Council represents, except where authority beyond the same is expressly given, and the powers of the Council shall be exercised by By-law when not otherwise authorized or provided for.

General power to make local regulations—

To regulate meetings and proceedings;

To repeal or alter By-laws.

187. Every Council may make Regulations not specifically provided for by this Act, and not contrary to Law, for governing the proceedings of the Council,—the conduct of its Members,—and the appointing or calling of special meetings of the Council; and generally, such other regulations as the good of the Inhabitants of the Municipality requires; and may repeal, alter and amend its By-laws, save as by this Act restricted.

BY-LAWS OF COUNCILS.

HOW AUTHENTICATED.

How By-laws to be authenticated.

188. Every By-law shall be under the Seal of the Corporation, and shall be signed by the Head of the Corporation, or by the

the person presiding at the Meeting at which the By-law has been passed, and by the Clerk of the Corporation.

Certified copies to be evidence.

189. A copy of any By-law written or printed without erasure or interlineation, and under the Seal of the Corporation, and certified to be a true copy by the Clerk and by any Member of the Council, shall be deemed authentic, and be received in evidence in any Court of Justice without proof of the Seal or Signatures, unless it is specially pleaded or alleged that the Seal, or one or both of the Signatures, have been forged.

OPPOSITION TO BY RATE-PAYERS.

Opposition to By-laws applied for by rate-payers: Provision for.

190. In case any person rated on the Assessment-Roll of any Municipality, or of any locality therein, objects to the passing of a By-law the passing of which is to be preceded by the application of a certain number of the rateable inhabitants of such Municipality or place, he shall, on petitioning the Council, be at liberty to attend, in person or by Counsel or Attorney, before the Council at the time at which the By-law is intended to be considered, or before a Committee of the Council appointed to hear evidence thereon, and may produce evidence that the necessary notice of the application for the By-law was not given, or that any of the signatures to the application are not genuine, or were obtained upon incorrect statements, and that the proposed By-law is contrary to the wishes of the persons whose signatures were so obtained, and that the remaining signatures do not amount to the number nor represent the amount of property necessary to the passing of the By-law.

When By-laws shall not pass.

191. If the Council is satisfied upon the evidence that the application for the By-law did not contain the names of a sufficient number of persons whose names were obtained without fraud and in good faith, and who represent the requisite amount of property, and are desirous of having the By-law passed, or if the Council is satisfied that the notice required by law was not duly given, the Council shall not pass the By-law.

PROCEEDINGS WHEN THE ASSENT OF ELECTORS IS REQUIRED.

If a By-law requires the assent of the electors.

192. In case a By-law requires the assent of the Electors of a Municipality before the final passing thereof, the following proceedings shall be taken for ascertaining such assent, except in cases otherwise provided for:

Time and place of voting shall be fixed by By-law.

1. The Council shall by the By-law fix the day, hour and place, for taking the votes of the Electors thereon at every place in the Municipality at which the elections of the Members of the Council or Councils therein are held; and shall also name a Returning Officer to take the votes at every such place, and such day shall not be less than three nor more than four weeks after the first publication of the proposed By-law as herein provided for;

2.

Proposed By-law to be published.

2. The Council shall, for at least one month before the final passing of the proposed By-law, publish a copy thereof in some newspaper published weekly or oftener in the Municipality, or if there is no such newspaper, in some newspaper in the nearest place in which a newspaper is published, and also put up a copy of the By-law at four or more of the most public places in the Municipality;

Notice to be given.

3. Appended to each copy so published and posted, shall be a notice signed by the Clerk of the Council, stating that such copy is a true copy of a proposed By-law which will be taken into consideration by the Council after one month from the first publication in the newspaper, stating the date of the first publication, and naming the hour, day and place or places fixed for taking the votes of the Electors;

Poll.

4. At such day and hour a Poll shall be taken and all proceedings thereat and for the purpose thereof shall be conducted in the same manner as nearly as may be, as at a Municipal Election;

Verified Poll Book to be returned,

5. Every Returning Officer shall, on the day after the closing of the Poll, return his Poll-Book verified to the Clerk of the Local Municipality in which the Poll was taken, and in case of a By-law of a County Council, the Clerk of the Local Municipalities shall forthwith return to the Clerk of the County Council the Poll-Book so delivered to him;

Clerk to sum up and declare result.

6. The Clerk of the Council which proposed the By-law shall add up the number of votes for and against the same, and shall certify to the Council under his hand whether the majority have approved or disapproved of the By-law; and shall keep the same with the Poll-Book among the Records of his Office.

WHEN REQUIRING THE ASSENT OF THE GOVERNOR IN COUNCIL.

When the assent of the Governor is required to By-laws.

193. The facts required by this Act to be recited in any By-law which requires the approval of the Governor in Council, shall, before receiving such approval, be verified, by solemn declaration, by the Head of the Council, and by the Chamberlain or Treasurer and Clerk thereof, and by such other persons and on such other evidence as to the Governor in Council satisfactorily proves the facts so recited; or in case of the death or absence of any such Municipal officer, upon the declaration of any other Member of the Council whose declaration the Governor in Council will accept.

WHEN AND HOW QUASHED.

By-laws, how to proceed in

194. In case a resident of a Municipality, or any other person interested in a By-law, Order or Resolution of the Council thereof,

of the Superior Courts of Com- order to
to the Court a copy of the By-law, quash.
d under the hand of the Clerk and
id shews, by affidavit, that the same
, and that the applicant is resident
he Court, after at least eight days'
of a Rule to shew cause in this be-
w, Order or Resolution in whole or
according to the result of the appli-
gainst the Corporation.

IED BY PROMULGATION.

by which a rate is imposed has Time after which By-law
in the manner hereinafter specified, cannot be
e By-law shall be entertained after quashed, if
lapsed since the promulgation. properly pro-
mulgated.

mulgation of a By-law within the What shall be
consist in the publication, through such promul-
opy of the By-law, and of the signa- gation.
ity, with a notice appended thereto
for applications to the Courts to
t thereof.

-law by which a Rate is imposed, the And if the
by such publication of a copy of the By-laws im-
as aforesaid, or in lieu thereof by poses any
ce setting forth the amount of the rate.
ce only of the other parts of the
ice of the time so limited for appli-
; and the publication referred to in the
ll be in each public newspaper pu-
within the Municipality; or if there
ien in at least two public news-
or oftener nearest to the Municipa-
shall for the purpose aforesaid be
ree consecutive numbers of the

appended to every copy of a By-law Notice to be
hall be to the effect following: given.

a true copy of a By-law passed by Form of such
e Township of A, in the County of B, notice.
f B, C and D, (*or as the case may be*)
, 185 , and (*where the*
Council is by law required to give
ved by His Excellency the Governor
day of ,
re hereby required to take notice,
plying to have such By-law or any
part

part thereof quashed, must make his application for that purpose to one of Her Majesty's Superior Courts of Common Law at Toronto, within six Calendar Months at the farthest after the special promulgation thereof by the publication of this notice in three consecutive numbers of the following newspapers, viz: (*here name the newspapers in which the publication is to be made*), or he will be too late to be heard in that behalf.

G. H.

Township Clerk."

Notice setting forth the rate.

199. The notice setting forth the amount of the rate, and giving the substance only of the other parts of the By-law, for the purpose aforesaid, shall be to the effect following:

Form of such notice.

"Township A, in the County of B, one of the United Counties of B, C and D, in Upper Canada, to wit:

Notice is hereby given, that a By-law, intituled, (*set out the title,*) and numbered (*give the number by which the By-law is designated,*) was on the day of , 185 , passed by the Municipal Council of the Township of A, in the County of B, one of the United Counties of B, C and D, in Upper Canada, for the purpose of (*here set out in substance the object of the By-law, as* "raising the necessary funds to meet the general public expenses of the Township of for the year 185 ," or "for the purpose of raising and contracting for a loan of Pounds, for making and macadamizing a Road from to " (*or otherwise, as the case may be*) and, (*where the approval of the Governor in Council is by law required to give effect to such By-law,*) approved by His Excellency the Governor General in Council, on the day of , 185 ;) and all persons are hereby required to take notice, that any one desirous of applying to have such By-law or any part thereof quashed, must make his application for that purpose to one of Her Majesty's Superior Courts of Common Law at Toronto, within *six* Calendar Months, at the farthest, after the special promulgation thereof, by the publication of this notice in three consecutive numbers of the following newspapers, viz: (*here name the newspapers in which the publication is to be made*), or he will be too late to be heard in that behalf.

G. H.

Township Clerk."

If not moved against, within the time limited, to be valid.

200. In case no application to quash any By-law so specially promulgated is made within the time limited for that purpose, the By-law, or so much thereof as is not the subject of any such application, or not quashed upon such application

application, so far as the same ordains, prescribes or directs any thing within the proper competence of the Council to ordain, prescribe or direct, shall, notwithstanding any want of substance or form, either in the By-law itself, or in the time or manner of passing the same, be a valid By-law.

IF QUASHED, THE CORPORATION ONLY TO BE LIABLE.

Liability of Municipality for acts done under a By-law afterwards quashed.

201. In case a By-law, Order or Resolution is illegal in whole or in part, and in case any thing has been done under it which, by reason of such illegality, gives any person a right of action, no such action shall be brought until one calendar month has elapsed after the By-law, Order or Resolution has been quashed or repealed, nor until one calendar month's notice in writing of the intention to bring such action has been given to the Corporation; and every such action shall be brought against the Corporation alone, and not against any person acting under the By-law, Order or Resolution.

TENDER OF AMENDS BY.

Tender of amends.

202. In case the Corporation tenders amends to the Plaintiff or his Attorney, if such tender be pleaded and (if traversed) proved, and if no more than the amount tendered is recovered, the plaintiff shall have no costs, but costs shall be taxed to the defendant, and set off against the verdict, and the balance due to either party shall be recovered as in ordinary cases.

OFFENCES AGAINST BY-LAWS.

Offences against By-laws.

203. In case any Officer of a Municipal Corporation neglects or refuses to carry into effect a By-law for paying a debt, and so neglects or refuses under colour of a By-law illegally attempting to repeal such first mentioned By-law, or to alter the same so as to diminish the amount to be levied under it, such Officer shall be guilty of a misdemeanor, and be punished by fine or imprisonment, or both, at the discretion of the Court whose duty it may be to pass sentence upon him.

Jurisdiction to try.

Summary proceedings.

204. In case an offence is committed against a By-law of a Council, for the prosecution of which offence no other provision is made, any Justice of the Peace, having jurisdiction in the locality where the offender resides, or where the offence was committed, whether the Justice is a member of the Council or not, may try and determine any prosecution for the offence.

Evidence.

205. The Justice or other authority before whom a prosecution is had for an offence against a Municipal By-law, may convict the offender on the oath or affirmation of any credible witness, and shall award the penalty or punishment imposed by

Penalty and costs; How levied.

the By-law with the costs of prosecution, and may by warrant under the hand and seal of the Justice or other authority, or in case two or more Justices act together therein, then under the hand and seal of one of them, cause any pecuniary penalty and costs, or costs only, if not forthwith paid, to be levied by distress and sale of the goods and chattels of the offender.

Commitment in default of distress.

206. In case of there being no distress found, out of which the penalty can be levied, the Justice may commit the offender to the Common Gaol, House of Correction or nearest Lock-up-House, for the term specified in the By-law.

Fines how applied.

207. When the pecuniary penalty has been levied, one moiety thereof shall go to the informer or prosecutor, and the other moiety to the Corporation, unless the prosecution is brought in the name of the Corporation; and in that case the whole of the pecuniary penalty shall be paid to the Corporation.

Jurisdiction of Mayors and Police Magistrates over penal offences.

208. The Police Magistrate, or when there is none, the Mayor of a Town or City, shall have jurisdiction in addition to his other powers, to try and determine all prosecutions for offences against the By-laws of the Town or City, and for penalties for refusing to accept office therein, or to make the necessary declarations of qualification and office.

DEBENTURES, &c.

HOW TO BE MADE.

Debentures, Bonds, &c., how to be executed.

209. All Debentures and other specialties duly authorized to be executed on behalf of a Municipal Corporation shall, unless otherwise specially authorized or provided, be sealed with the Seal of the Corporation and be signed by the Head thereof, or by some other person authorized by By-law to sign the same, otherwise the same shall not be valid.

TRANSFERABLE BY DELIVERY, &c.

Debentures transferable by delivery if payable to bearer.

210. Any Debenture heretofore issued, or issued after this Act takes effect, under the formalities required by law, by any Municipal Corporation, payable to bearer or to any person named therein or bearer, may be transferred by delivery, and such transfer shall vest the property of such debenture in the holder, and enable him to maintain an action thereupon in his own name.

Or, if endorsed in blank, when payable to order.

211. Any Debenture issued as aforesaid, and made payable to any person or order, shall, (after the endorsation thereof in blank, by such person,) be transferable by delivery from the time of the endorsation, and the transfer shall vest the property thereof in the holder, and enable him to maintain an action thereupon in his own name.

212. In a suit or action upon any such Debenture, it shall not be necessary for the Plaintiff to set forth in the declaration or other pleading, or to prove, the mode by which he became the holder of the Debenture, or to set forth or to prove the notices, by-laws or other proceedings under and by virtue of which the Debenture was issued, but it shall be sufficient in such pleading to describe the Plaintiff as the holder of the Debenture, (alleging the indorsation in blank, if any,) and shortly to state its legal effect and purport, and to make proof accordingly. In pleading, sufficient to describe Plaintiff as the holder.

213. Any such Debenture, issued as aforesaid, shall be valid and recoverable to the full amount notwithstanding its negotiation by such Corporation at a rate less than par, or at a rate of interest greater than six per centum per annum. Full amount recoverable though negotiated at interest exceeding 6 per cent. or below par.

RESTRICTIONS UPON COUNCILS.

214. No Council shall act as bankers, or issue any Bond, Bill, Note, Debenture or other undertaking, of any kind or in any form, in the nature of a Bank Bill or Note, or intended to form a circulating medium, or to supply the place of specie, or to pass as money; nor, unless specially authorized so to do, shall any Council make or give any Bond, Bill, Note, Debenture or other undertaking, for the payment of a less amount than one hundred dollars; and any Bond, Bill, Note, Debenture or other undertaking issued in contravention of this Section, shall be void. Restrictions upon Councils as to Banking issuing bills, bonds, &c.

215. In case any person issues or makes, or assists in issuing or making, or knowingly utters or tenders in payment or exchange, any Bond, Bill, Note, Debenture or undertaking, of any kind or in any form, in the Nature of a Bank Bill or Note, intended to form a circulating medium, or to supply the place of specie, or to pass as money, contrary to this Act, such person shall be guilty of a misdemeanor. To issue Bank notes, &c., contrary to this Act, declared a misdemeanor.

216. No Council shall have power to give any person an exclusive right of exercising within the Municipality any trade or calling, or to impose a special tax on any person exercising the same, or to require a license to be taken for exercising the same unless authorized or required by Statute so to do; but the Council may direct a fee, not exceeding one dollar, to be paid to the proper Officer for a certificate of compliance with any regulations in regard to such trade or calling. Granting Monopolies prohibited.

217. But nothing in this Act contained shall prevent a Council from granting exclusive privileges in any ferry which may be vested in the Corporation represented by such Council. Except as to any ferry.

218. In case a member of the Council of any Municipality, either in his own name or in the name of another, and either alone Contracts by Members with

the Corporation, void in Law if void in Equity.

alone or jointly with another, enters into a contract of any kind, or makes a purchase or sale, in which the Corporation is a party interested, and which is on that account void in equity, the same contract, purchase or sale shall also be held void in any action at law thereon against the Corporation.

COSTS OF MANDAMUS.

Costs of Mandamus.

219. Upon any application for a Writ of Mandamus for or against a Municipal Corporation, the Courts may, in their discretion, grant or refuse costs.

EXECUTIONS AGAINST CORPORATIONS.

Writs of execution against Municipalities.

220. Any Writ of Execution against a Municipal Corporation, may be endorsed with a direction to the Sheriff to levy the amount thereof by rate, and the proceedings thereon shall then be the following:

Sheriff to deliver statement to Treasurer.

1. The Sheriff shall deliver a copy of the Writ and indorsement to the Chamberlain or Treasurer, or leave such copy at the office or dwelling house of that officer, with a statement in writing of the Sheriff's fees, and of the amount required to satisfy such execution, including in such amount the interest calculated to some day as near as is convenient to the day of the service;

If not paid, a rate to be struck.

2. In case the amount with interest thereon from the day mentioned in the statement, be not paid to the Sheriff within one calendar month after the service, the Sheriff shall examine the Assessment-Rolls of the Corporation, and shall, in like manner as rates are struck for general Municipal purposes, strike a rate sufficient in the pound to cover the amount due on the execution, with such addition to the same as the Sheriff deems sufficient to cover the interest, his own fees and the Collector's percentage, up to the time when such rate will probably be available;

Sheriff's precept to levy.

3. The Sheriff shall thereupon issue a precept or precepts, under his hand and seal of office, directed to the Collector or respective Collectors of the Corporation, and shall annex to every precept the roll of such rate, and shall by such precept after reciting the Writ, and that the Corporation had neglected to satisfy the same, and referring to the roll annexed to the precept, command the Collector, or Collectors within their respective jurisdictions, to levy such rate at the time and in the manner by law required in respect of the general annual rates;

Who to collect the rate.

4. In case at the time for levying the annual rates next after the receipt of such precept, the Collectors have a general rate roll delivered to them for such year, they shall add a column thereto, headed, "Execution rate in A. B., vs. The Township,

(*or*

(or as the case may be, adding a similar column for each execution if more than one,) and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time they are by law required to make the returns of the general annual rate, return to the Sheriff the precept with the amount levied thereon, after deducting their percentage;

Surplus.

5. The Sheriff shall, after satisfying the Execution and all fees thereon, pay any surplus, within ten days after receiving the same, to the Chamberlain or Treasurer, for the general purposes of the Corporation;

Clerk, Assessors and Collectors to be officers of the Court from which Writ issues.

6. The Clerk, Assessors and Collectors of the Corporation shall, for all purposes connected with carrying into effect, or permitting or assisting the Sheriff to carry into effect, the provisions of this Act, with respect to such executions, be deemed to be Officers of the Court out of which the Writ issued, and as such shall be amenable to the Court, and may be proceeded against by attachment or otherwise, to compel them to perform the duties hereby imposed upon them.

DEBTS AND RATES.

YEARLY RATES FOR DEBTS.

Yearly rates to be levied, sufficient to pay all debts.

221. The Council of every Township and the Council o every County and of every provisional Corporation, and of every City, and of every Town, and of every Incorporated Village respectively, shall assess and levy on the whole rateable property within its jurisdiction a sufficient sum in each year to pay all valid debts of the Corporation, whether of principal or interest, falling due within the year.

BY-LAWS TO CREATE DEBTS, &c.

By-laws for creating debts.

222. Every such Council may, under the formalities required by law, pass By-laws for contracting debts by borrowing money or otherwise, and for levying rates for payment of such debts on the rateable property of the Municipality, for any purpose within the jurisdiction of the Council; but no such By-Law shall be valid which is not in accordance with the following restrictions and provisions:

Terms of.

When to take effect.

1. The By-law, if not for creating a debt for the purchase of Public Works, shall name a day in the financial year in which the same is passed, when the By-law shall take effect;

When debt to be redeemed.

2. If not contracted for gas or water works, or for the purchase of public works, according to the Statutes relating thereto, the whole of the debt and the obligations to be issued therefor shall

If for Gas works, &c.

shall be made payable in twenty years at furthest from the day on which such By-Law takes effect; and if the debt is contracted for gas or water works, the same shall in like manner be paid in thirty years at furthest, from the day on which the By-law takes effect;

To provide a yearly rate.

3. The By-law shall settle an equal special rate per annum, in addition to all other rates, to be levied in each year for paying the debt and interest;

Sufficient in amount.

4. Such special rate shall be sufficient, according to the amount of rateable property appearing by the last revised Assessment-Rolls, to discharge the debt and interest when respectively payable;

Irrespective of future increase of rateable property.

5. The amount of rateable property shall be ascertained irrespective of any future increase of the rateable property of the Municipality, and of any income in the nature of tolls, interest or dividends, from the work, or from any stock, shares or interest in the work, upon which the money to be so raised or any part thereof is intended to be invested, and also irrespective of any income from the temporary investment of the sinking fund or of any part thereof;

Recitals in:—amount and object of debt; The yearly rate for the debt; The value of the rateable property; The yearly rate for Sinking Fund and interest.

6. The By-law shall recite: (1.) The amount of the debt which such new By-law is intended to create, and, in some brief and general terms, the object for which it is to be created; (2.) The total amount required by this Act to be raised annually by special rate for paying the new debt and interest; (3.) The amount of the whole rateable property of the Municipality according to the last revised Assessment-Rolls; and, (4.) The annual special rate in the pound for paying the interest and creating an equal yearly sinking fund for paying the principal, of the new debt, according to this Act.

To be assented to by the rate-payers.

223. Every By-law for raising upon the credit of the Municipality any money not required for its ordinary expenditure, and not payable within the same municipal year, shall, before the final passing thereof, receive the assent of the Electors of the Municipality in the manner provided for in the 192nd section of this Act. Except that in Counties (other than Cities) the Council of such County or Counties may raise by By-Law or By-Laws, without submitting the same for the assent of the Electors of such County or Counties, for contracting debts or loans, any sum or sums, over and above the sums required for its ordinary expenditure, not exceeding in any one year twenty thousand dollars.

Exception as to Counties other than Cities.

Course of proceeding by County Councils.

224. Provided that no such By-law of a County Council for contracting any such debt or loan for an amount, over and above the sums required for its ordinary expenditure, not exceeding in any one year twenty thousand dollars, shall be valid, unless

unless the same is passed at a meeting of the Council especially called for the purpose of considering the same, and held not less than three calendar months after a copy of such By-law at length as the same is ultimately passed, together with a notice of the day appointed for considering the same, has been published in some newspaper issued weekly or oftener within the County, or if there be no such public newspaper, then in a public newspaper published nearest to the County; which said notice may be to the effect following:

FORM OF NOTICE.

Form. The above is a true copy of a proposed By-law to be taken in consideration by the Municipality of the County (*or* United Counties) of at , in the said County (*or* United Counties) on the day of , 18 , at the hour of o'clock in the noon, at which time and place the members of the Council are hereby required to attend for the purpose aforesaid.

G. H.
Clerk.

PURCHASE OF PUBLIC WORKS.

Municipal Councils may purchase Public Works, and contract debts without imposing a yearly rate as provided in the three last sections.

225. (1.) Any Council may contract a Debt to Her Majesty, in the purchase of any of the Public Roads, Harbors, Bridges, Buildings or other Public Works in Upper Canada; and may execute such Bonds, Deeds, Covenants and other Securities to Her Majesty, as the Council may deem fit, for the payment of the price of any such Public Work already sold or transferred, or which may be sold or transferred, or agreed to be sold or transferred to such Municipal Corporation, and for securing the performance and observance of all or any of the conditions of sale or transfer; and may also pass all necessary By-laws for any of the purposes aforesaid. And all such By-laws, Debts, Bonds, Deeds, Covenants and other Securities shall be valid although no Special or other Rate per annum has been settled or imposed to be levied in each year, as provided by the three last preceding sections of this Act;

Rates may be imposed for the payment of debts contracted with the Crown for such Works.

(2.) But any Council may in any By-law to be passed for the creation of any such Debt, or for the executing any such Bonds, Deeds, Covenants or other Securities as aforesaid, to Her Majesty, or in any other By-law to be passed by the Council, settle and impose a Special Rate per annum, of such amount as the Council may deem expedient, in addition to all other rates whatsoever, to be levied in each year upon the assessed rateable property within the Municipality, for the payment and discharge of such Debts, Bonds, Deeds, Covenants or other Securities, or some part thereof; and the By-law shall be valid, although the Rate settled or imposed thereby be less than is required by the said sections last mentioned; and the said sections shall, so far as applicable, apply

apply and extend to every such By-law, and the moneys raised or to be raised thereby, as fully in every respect as such provisions would extend or apply to any By-law enacted by any Council for the creation of any Debt, as provided in the said sections, or to the moneys raised or to be raised thereby.

HOW ACCOUNTS OF DEBTS AND RATES TO BE KEPT.

Two special accounts to be kept: 1, of the Special rates; 2, of the Sinking Fund.

226. The Council of every County, Provisional Corporation, Township, City, Town and incorporated Village, shall keep in its books two separate Accounts, one for the Special Rate, and one for the Sinking Fund, of every debt, to be both distinguished from all other accounts in the books by some prefix designating the purpose for which the debt was contracted; and shall keep the said Accounts, with any others that are necessary, so as to exhibit at all times the state of every debt, and the amount of moneys raised, obtained and appropriated for payment thereof.

When surplus to be carried to the Sinking Fund Account.

227. If, after paying the interest of a debt and appropriating the necessary sum to the Sinking Fund of such debt for any financial year, there is a surplus at the credit of the Special Rate Account of such debt, such surplus shall so remain, and may be applied, if necessary, towards the next year's interest; but if such surplus exceeds the amount of the next year's interest, the excess shall be carried to the credit of the Sinking Fund Account of such debt.

HOW SURPLUS TO BE INVESTED.

How surplus to be disposed of.

228. Every such Council shall, from time to time, invest in Government securities or otherwise, as the Governor in Council directs, such part of the produce of the special rate levied in respect of any debt and at the credit of the Sinking Fund Account, or of the Special Rate Account thereof as cannot be immediately applied towards paying the debt by reason of no part thereof being yet payable; and the Council shall apply all interest or dividends received upon such investments to the same purpose as this Act directs the amount levied by the Special Rate to be applied, but it shall nevertheless be lawful for the Governor in Council by order to direct that said part of the produce of the Special Rate levied and at the credit of the Sinking Fund Account, or the Special Rate Account as aforesaid, instead of being so invested as aforesaid, shall, from time to time as the same shall accrue, be applied to the payment or redemption, at such value, not exceeding par, as the said Council can agree for, of any part of such debt or of any of the debentures representing or constituting such debt, or any part of it, though not then payable, to be selected as provided in such order, and the Council shall thereupon apply and continue to apply said part of the produce of the Special Rate at the cred

Investment how to be made.

Application of moneys with consent of Governor in Council.

credit of the Sinking Fund or Special Rate Accounts as directed by such order.

APPROPRIATION OF SURPLUS.

Council may apply other funds towards such debts.

229. Every such Council may appropriate to the payment of any debt the surplus income derived from any public or corporation work, or from any share or interest therein, after paying the annual expenses thereof, or any unappropriated money in the Treasury, or any money raised by additional rate; and any money so appropriated shall be carried to the credit of the Sinking Fund of the debt.

WHEN BY-LAWS CREATING DEBTS REPEALABLE.

When part only of a debt has been incurred, the By-law may be repealed *pro tanto*.

230. When part only of a sum of money provided for by a By-law has been raised, the Council may repeal the By-law as to any part of the residue and as to a proportionate part of the Special Rate imposed therefor, provided the repealing By-law recites the facts on which it is founded, and is appointed to take effect on the thirty-first day of December in the year of its passing, and does not affect any rates due, or penalties incurred before that day, and provided the By-law is first approved by the Governor in Council;

By-laws not repealable and appropriations not revocable till debt paid.

231. After a debt has been contracted, the Council shall not, until the debt and interest have been paid, repeal the By-law under which the debt was contracted, or any By-law for paying the debt or the interest thereon, or for providing therefor a rate or additional rate, or appropriating thereto the surplus income of any work or of any stock or interest therein, or money from any other source; and the Council shall not alter a By-law providing any such rate so as to diminish the amount to be levied under the By-law, except in the cases herein authorized, and shall not apply to any other purpose any money in the Corporation Treasury which, not having been previously otherwise appropriated by any By-law or Resolution, has been directed to be applied to such payment.

WHEN SPECIAL RATE MAY BE REDUCED.

When the rate imposed by By-law may be reduced by By-law.

232. In case the special rate imposed for the payment of a debt, and collected for any particular year, or on hand from previous years, with such sums as are derived for such particular year from the surplus income of any work, or of any share or interest therein applicable to the Sinking Fund of the debt, or from the temporary investment of the Sinking Fund of the debt, or any part of it, and respectively carried to the credit of the Sinking Fund for such particular year, amount together, or in case any of them singly or together amount to more than the annual sum required to be raised as a special rate to pay the debt and interest,

interest, and therefore leave a surplus after paying the interest and making the necessary appropriation to the Sinking Fund of the debt, for such year—the Council may pass a By-law reducing the total amount to be levied under the original By-law for the following year to a sum not less than the difference between such last mentioned surplus and the annual sum which the original By-law named and required to be raised as a special rate.

Recitals requisite in such By-law.

233. But the By-law shall not be valid—unless it recites:

1. The amount of the special rate imposed by the original By-law;

2. The balance of such rate for the particular year or on hand from former years;

3. The surplus income of the work, share or interest therein received for such year; and

4. The amount derived for such year from any temporary investment of the Sinking Fund—

Reduced rate to be named.

Nor unless the By-law names the reduced amount in the pound to be levied under the original By-law—

To be approved of by the Governor.

Nor unless the By-law is afterwards approved by the Governor in Council.

ANTICIPATORY APPROPRIATIONS.

Anticipatory appropriations may be made.

234. In case any Council desires to make an Anticipatory Appropriation for the next ensuing year in lieu of the special rate for such year, in respect of any debt, the Council may do so, by By-law, in the manner and subject to the provisions and restrictions following:

What Fund may be so appropriated.

1. The Council may carry to the credit of the Sinking Fund Account of the debt, as much as necessary for the purpose aforesaid;

(1.) Of any money at the credit of the Special Rate Account of the debt beyond the interest on such debt for the year following that in which the Anticipatory Appropriation is made;

(2.) And of any money raised for the purpose aforesaid by additional rate or otherwise;

(3.) And of any money derived from any temporary investment of the Sinking Fund;

(4.)

(4.) And of any surplus money derived from any corporation work or any share or interest therein ;

(5.) And of any unappropriated money in the Treasury ;

Such moneys respectively not having been otherwise appropriated ; .

2. The By-law making the appropriations shall distinguish the several sources of the amount and the portions thereof to be respectively applied for the interest and for the Sinking Fund Appropriation of the debt for such next ensuing year ; — The sources to be distinguished.

3. In case the money so retained at the credit of the Special Rate Account and so appropriated to the Sinking Fund Account, from all or any of the sources above mentioned, are sufficient to meet the Sinking Fund Appropriation and interest for the next ensuing year, the Council may then pass a By-Law directing that the original rate for such next ensuing year be not levied. — When sufficient, the yearly rate may be suspended for the future year.

235. The By-law shall not be valid unless it recites :

1. The original amount of the debt, and in brief and general terms, the object for which the debt was created ; — The By-law to recite the original debt.

2. The amount, if any, already paid of the debt ; — The amount paid.

3. The annual amount of the Sinking Fund Appropriation required in respect of such debt ; — The amount of Sinking Fund yearly.

4. The total amount, then on hand, of the Sinking Fund Appropriations, in respect of the debt, distinguishing the amount thereof in cash in the treasury from the amount temporarily invested ; — The amount in hand.

5. The amount required to meet the interest of the debt, for the year next after the making of such Anticipatory Appropriation ; and — The amount required for next year's interest.

6. That the Council has retained at the credit of the Special Rate Account of the debt, a sum sufficient to meet the next years' interest (naming the amount of it), and that the Council has carried to the credit of the Sinking Fund Account a sum sufficient to meet the Sinking Fund Appropriation (naming the amount of it) for such year ; and — And that it is reserved.

7. No such By-law shall be valid unless approved by the Governor in Council. — By-law to be approved by Governor.

236. After the dissolution of any Municipal Union, the Senior Municipality may make an Anticipatory Appropriation for — After the dissolution of a

Union, the Senior Municipality may relieve the Junior by an anticipatory appropriation.

for the relief of the Junior Municipality, in respect of any debt secured by By-law in the same manner as the Senior Municipality might do on its own behalf.

REPORT OF DEBTS TO BE MADE YEARLY.

Every Council to make a yearly report of the state of the debts to the Governor, &c.

237. Every Council shall, on or before the thirty-first day of January in each year, transmit to the Governor General, through the Provincial Secretary, an account of the several debts of the Corporation, as they stood on the thirty-first day of December preceding, specifying in regard to every debt of which a balance remained due at that day :

1. The original amount of the debt ;

2. The date when it was contracted ;

3. The days fixed for its payment ;

4. The interest to be paid therefor ;

5. The rate provided for the redemption of the debt and interest ;

6. The proceeds of such rate for the year ending on such thirty-first day of December ;

7. The portion (if any) redeemed of the debt during such year ;

8. The amount of interest (if any) unpaid on such last mentioned day ; and

9. The balance still due of the principal of the debt.

The Governor may prescribe a form of account.

238. The form of the account may from time to time be prescribed by the Governor in Council.

COMMISSIONS OF INQUIRY RESPECTING MUNICIPAL FINANCES.

When a commission of inquiry may issue.

239. In case one third of the members of any Council petition for a Commission to issue under the Great Seal, to inquire into the financial affairs of the Corporation and things connected therewith, and if sufficient cause be shewn, the Governor in Council may issue a Commission accordingly, and the Commissioner or the Commissioners, or such one or more of them as the Commission empowers to act, shall have the same power to summon witnesses, enforce their attendance, and compel them to produce documents and to give evidence, as any Court has in civil cases.

240.

240. The expense to be allowed for executing the Commission shall be determined and certified by the Inspector General or his Deputy, and shall become thenceforth a debt due to the Commissioner or Commissioners by the Corporation, and shall be payable within three calendar months after demand thereof made by the Commissioner, or by any one of the Commissioners, at the office of the Treasurer of the Corporation. Expenses of such Commissions provided for.

PROVISIONS APPLICABLE TO ALL MUNICIPALITIES EXCEPT PROVISIONAL CORPORATIONS.

241. The following Section applies to all Municipalities, namely: Sections applicable to all, except Provisional Councils:

1. Counties,
2. Townships,
3. Cities,
4. Towns, and
5. Incorporated Villages.

242. The Council of every County, Township, City, Town, and Incorporated Village may respectively pass By-laws: Council may make By-laws:

OBTAINING PROPERTY.

1. For obtaining such real and personal property as may be required for the use of the Corporation, and for erecting, improving and maintaining a Hall and any other houses and buildings required by and being upon the land of the Corporation, and for disposing of such property when no longer required; For obtaining property, real and personal, &c.

APPOINTING CERTAIN OFFICERS.

2. For appointing such,— To appoint officers;

(1.) Pound-keepers;
(2.) Fence-Viewers;
(3.) Overseers of Highways;
(4.) Road Surveyors;

(5.) And other officers as are necessary in the affairs of the Corporation, or for carrying into effect the provisions of any Act of the Legislature for the removal of such officers.

3. For regulating the remuneration, fees, charges and duties of such officers, and the securities to be given for the performance of such duties; To fix fees and securities;

AIDING AGRICULTURAL AND OTHER SOCIETIES.

4. For granting money or land in aid of the Agricultural Association of Upper Canada or of any duly organized Agricultural or Horticultural Society in Upper Canada, or of the Board of Arts and Manufactures for Upper Canada, or of any incorporated Mechanics' Institute within the Municipality; For aiding agricultural societies;

CENSUS.

CENSUS.

Local census. 5. For taking a Census of the inhabitants, or of the resident Male freeholders and householders of the Municipality;

FINES AND PENALTIES.

Fines and penalties for neglect of duty. 6. For inflicting reasonable fines and penalties not exceeding Fifty Dollars exclusive of costs,—

(1.) Upon any person for the non-performance of his duties who has been elected or appointed to any Office in the Corporation, and who has accepted such Office and taken the oaths, and afterwards neglects the duties thereof; and

(2.) For breach of any of the By-laws of the Corporation; and

7. For collecting such penalties by distress and sale of the goods and chattels of the offender;

Imprisonment when allowed, and time of. 8. For inflicting reasonable punishment, by imprisonment with or without hard labour either in a Lock-up-house in some Town or Village in the Township, or in the County Gaol or House of Correction for any period not exceeding Twenty-one days, for breach of any of the By-laws of the Council in case of non-payment of the Fine inflicted for any such breach, and there being no distress found out of which such fine can be levied.

PROVISIONS APPLICABLE TO TOWNSHIPS, CITIES, TOWNS, AND INCORPORATED VILLAGES.

What sections shall so apply. **243.** The following Sections numbered from 244 to 254 shall apply to the following Municipalities, namely;

1. Townships,
2. Cities,
3. Towns, and
4. Incorporated Villages.

PUBLIC HEALTH.

Members of Council to be Health Officers. **244.** The Members of every Township, City, Town and Incorporated Village Council shall be Health Officers within their respective Municipalities, under the Statute of Upper Canada, passed in the fifth year of the reign of His late Majesty, King William the Fourth, intituled, *An Act to promote the Public Health and to guard against infectious diseases in this Province*, and under any Act hereafter passed for the like purpose; but any such Council may by By-law delegate the powers of its members as such Health Officers to a committee of their own number, or to such persons, either including or not including some of themselves, as the Council thinks best.

245. The Council of every Township, City, Town and Incorporated Village may respectively pass By-laws : Council may make By-laws :

SHOP AND TAVERN LICENSES.

1. For granting Tavern Licenses (that is licenses for the retail of spirituous, fermented or other manufactured liquors to be drunk in the Inn, Ale-house, Beer-house or other house, or place of public entertainment in which the same is sold), and for granting shop licenses, (that is licenses for the retail of such liquors in Shops, Stores or places other than Inns, Ale-houses, Beer-houses or places of public entertainment ; For retailing intoxicating liquors.

2. For declaring the terms and conditions required to be complied with, by an applicant for a Tavern license, and the security to be given by him for observing the same ; Terms on which license may be granted.

3. For declaring the security to be given by any applicant for a Shop or Tavern License, for observing the By-laws of the Municipality ; Security to be given.

4. For limiting the number of Tavern and Shop licenses respectively ; Number may be limited.

5. For regulating the houses or places licensed, the time the licenses are to be in force, not exceeding one year, and the sums to be paid therefor respectively. Regulation of public houses.

PROHIBITED SALE OF SPIRITUOUS LIQUORS.

6. For prohibiting the sale by retail of spirituous, fermented or other manufactured liquors in any Inn or other House of public entertainment ; and for prohibiting the sale thereof in Shops and places other than houses of public entertainment ; Provided the By-law, before the final passing thereof, has been duly approved by the Electors of the Municipality in the manner provided by this Act ; Sale of liquors in shops or taverns may be prohibited.

246. The sum to be paid for a Tavern license shall include as well the duty payable under the Imperial Statute passed in the fourteenth year of the Reign of King George the Third, intituled, *An Act to establish a fund towards defraying the charges of the administration of Justice and the support of the Civil Government within the Province of Quebec*, as the duty payable under any Act passed in the present or any future session of the Parliament of this Province, and shall not be less than Twenty-five dollars, and every license so granted as aforesaid shall be held a license for the purpose of the said Imperial Act, and the sum paid for the License shall be applied to the use of the Corporation ; But no By-law by which a greater sum than one hundred dollars per annum is intended to be exacted The sums to be paid for licenses. Sum to include the Imperial duty and that under 22 V. c. 76. Sum not to exceed £25,

unless approved by public vote, &c.

exacted for any Shop or Tavern License, or for leave to exercise any other calling, or to do any other thing for which a License may be required, shall have force or effect, unless the By-law before the final passing thereof has been duly approved by the electors of the Municipality in the manner provided by this Act; and the By-law shall not be varied or repealed unless the By-law for that purpose has been duly approved in like manner by the Electors of the Municipality.

SHOP AND TAVERN LICENSES.

No license required to sell in the original packages.

247. No Tavern or Shop license shall be necessary for selling any liquors in the original packages in which the same have been received from the importer or manufacturer; Provided such packages contain respectively not less than five gallons, or one dozen bottles.

Tavern keepers may sell to be consumed out of the house.

248. Any person having a Tavern license may, without any additional license, sell liquors by retail to be consumed out of his house, in the same quantities as if to be consumed in the house.

Tavern keepers to exhibit notice of being licensed.

249. Every person who keeps a Tavern or other house or place of public entertainment, and has a Tavern License, shall exhibit over the door of such Tavern, House or place, in large letters, the words "Licensed to sell Wine, Beer and other Spirituous or Fermented Liquors," under a penalty in default of so doing of one dollar, recoverable with costs before any Justice of the Peace upon the oath of one credible witness; one half of which penalty shall go to the Informer and the other half to the Municipality.

Shop licenses not to authorise sale of liquors to be consumed in the house.

250. No licensed Shop-keeper, or other person having a Shop License, shall allow any Liquors sold by him and for the sale of which a license is required, to be consumed within his Shop, or within the building of which such Shop is a part, either by the purchaser thereof or by any other person not usually resident within such building.

Penalties recoverable before two justices of the Peace.

251. All prosecutions for penalties incurred by persons vending Wine, Rum, Brandy or other Spirituous Liquors, Beer, Ale, Cider or other fermented or manufactured Liquors without License, shall be recoverable with costs before any two or more Justices of the Peace having jurisdiction in the Municipality in which the offence is committed upon the oath of one credible witness, one half of which penalty shall go to the informer and the other half to the Municipality.

INSPECTORS OF LICENSES.

252. The Council of every Township, City, Town or Incorporated Village, may respectively pass By-laws:

1. For appointing annually one or more fit and proper persons, possessing the same property qualification as that required for the Councillors of the Municipality, to be Inspectors of Shop and Tavern Licenses, who shall hold office during the current year, and any vacancy occurring during the year shall be filled by the Council, for the remainder of such year; Appointment of Inspectors of Shop and Tavern Licenses. Term of office.

2. For fixing and defining the duties, powers and privileges of the Inspectors so appointed; the remuneration they shall receive; and the security to be given by them for the efficient discharge of the duties of their office; such By-laws not being contrary to law. Duties and remuneration of. Security.

253. Any Inspector of Licenses may, in his discretion (but subject to any By-law of the Municipality,) endorse on any license permission to the person holding the license, to sell the liquors mentioned in his License at any place out of his house, or to remove from the house licensed to another house to be described in the indorsement and situate within the same Municipality, and such permission shall authorize the holder thereof to sell such Liquors in the House mentioned in the endorsement during the unexpired portion of the term for which the License was granted, and upon the same terms and conditions; And any Bond or security which such holder may have given for any purpose relative to such license, shall apply to the house or place to which such removal has been authorized. Inspectors may endorse licenses to authorize sale of liquors elsewhere than in the house.

254. Every Council of a Township, City, Town or Incorporated Village may also pass By-laws:

BILLIARD TABLES.

1. For licensing, regulating and governing all persons who, for hire or gain directly or indirectly, keep, or have in their possession, or on their premises, any Billiard Table, or who keep or have a Billiard Table in a house or place of public entertainment or resort, whether such Billiard Table is used or not, and for fixing the sum to be paid for a License so to have or keep such Billiard Table, and the time such License shall be in force; Billiard Tables to be licensed.

VICTUALLING HOUSES, &c.

2. For limiting the number of and regulating Victualling Houses, ordinaries, and houses where fruit, oysters, clams, or victuals are sold to be eaten therein, and all other places for the reception, refreshment or entertainment of the public; and Victualling houses, number and regulation of.

3. For licensing the same when no other provision exists therefor, and for fixing the rates of such Licenses not exceeding Twenty dollars. License and fee for same.

LICENSES HOW LONG TO CONTINUE.

Licenses when not required to be renewed.

255. In case any By-law respecting Licenses is repealed, altered or amended, no person shall be required to take out a new license or to pay any additional sum upon his license during the time for which the same has been granted to him.

LICENSE FEES.

License fees to belong to Municipality.

256. All sums of money levied for licenses over and above the sum payable to the Province, by way of duty, shall belong to the Corporation of the Municipality in which they are levied.

DISORDERLY INNS.

How keepers of disorderly Inns to be proceeded against.

257. The Mayor or Police Magistrate of a Town or City, with any one Justice of the Peace having Jurisdiction therein, or the Reeve of a Township or Village with any one Justice of the Peace having Jurisdiction in the Township or Village, upon complaint made on oath to them, or one of them respectively, of riotous or disorderly conduct in any Inn, Tavern, Ale or Beer house situate within their jurisdiction, may summon the keeper of the Inn, Tavern, Ale or Beer House, to answer the complaint, and may investigate the same summarily, and either dismiss the complaint with costs to be paid by the complainant, or convict the keeper of having a riotous or disorderly house, and annul his license, or suspend the same for not more than sixty days, with or without costs, as in their discretion may seem just.

LAND MARKS AND BOUNDARIES.

Land marks and monuments to mark boundaries.

258. In case the Council of any Township, City, Town or Incorporated Village adopts a resolution on the application of one half of the resident landholders to be affected thereby, that it is expedient to place durable monuments at the front or rear of any concession or range or part thereof in the municipality, or at the front and rear angles of the lots therein, the Council may apply to the Governor in the manner provided for in the thirty-first section of the Act passed in the twelfth year of Her Majesty's Reign chapter thirty-five, praying him to cause a survey of such concession or range, or such part thereof, to be made and such monuments to be placed under the authority of the Commissioner of Crown Lands, and the person or persons making the survey shall accordingly plant stone or other durable monuments at the front or at the rear of such concession or range, or such part thereof as aforesaid, or at the front and rear angles of every lot therein, (as the case may be,) and the limits of each lot so ascertained and marked, shall be the true limits thereof; and the costs of the survey shall be defrayed in the manner prescribed by the said Statute.

12 V. c. 35.

259.

259. The Council of every Township, City, Town or Incorporated Village may also pass By-laws : Certain Councils may pass By-laws, for—

PROVISION FOR ESTABLISHING BOUNDARIES.

1. For procuring the necessary estimates, and making the proper application for ascertaining and establishing the boundary lines of the Municipality, according to law, in case the same has not been done ; and for erecting and providing for the preservation of the durable monuments required to be erected for evidencing the same ; Ascertaining and marking boundaries of Townships.

SCHOOLS.

2. For obtaining such real property as may be required for the erection of Common School Houses thereon and for other Common School purposes, and for the disposal thereof when no longer required ; and for providing for the establishment and support of Common Schools according to law ; Acquiring land for schools.

CEMETERIES.

3. For accepting or purchasing land for public cemeteries, as well within as without the Municipality, and for laying out, improving and managing the same ; but no land shall be accepted or purchased for such purpose except by a By-law declaring in express terms that the land is appropriated for a public cemetery and for no other purpose ; and thereupon such land, although without the Municipality, shall become part thereof, and shall cease to be part of the Municipality to which it formerly belonged ; and such By-law shall not be repealed ; For establishing cemeteries.

4. For selling or leasing portions of such land for the purpose of interment in family vaults or otherwise, and for declaring in the conveyance the terms on which such portions shall be held ; For selling portions thereof on limited terms.

CRUELTY TO ANIMALS.

5. For preventing Cruelty to animals ; and for preventing the destruction of birds, the By-laws for these purposes not being inconsistent with any Statute in that behalf ; Preventing cruelty to animals.

DOGS.

6. For imposing a tax on the owners, possessors or harbourers of dogs ; Tax on dogs.

7. For killing dogs running at large contrary to the By-laws ; Killing dogs.

FENCES.

FENCES.

Height of Fences.

8. For settling the height and description of lawful fences;

DIVISION FENCES.

Of division fences.

9. For regulating the height, extent and description of lawful division fences; and for determining how the cost thereof shall be apportioned; and for directing that any amount so apportioned shall be recovered in the same manner as penalties not otherwise provided for may be recovered under this Act; Provided that until the By-laws are made, the Statute eighth Victoria chapter twenty shall continue applicable to the Municipality;

WEEDS.

Destruction of weeds.

10. For preventing the growth of weeds detrimental to good husbandry;

EXHIBITIONS, SHOWS, &C.

Licensing Public Shows.

11. For preventing or regulating and licensing exhibitions of Wax Work, Menageries, Circus riding and other such like shows usually exhibited by showmen, and for requiring the payment of License fees for authorizing the same, not exceeding one hundred dollars for every such License, and for imposing fines upon persons infringing such By-Laws, and for levying the same by distress and sale of the goods and chattels of such showman or belonging to or used in such Exhibition whether owned by such showman or not, or for the imprisonment of such offenders for any term not exceeding one calendar month;

GRAVES.

Protecting graves.

12. For preventing the violation of cemeteries, graves, tombs tombstones or vaults where the dead are interred;

INJURIES TO PRIVATE PROPERTY AND NOTICES.

Ornamental trees.

13. For preventing the injuring or destroying of trees planted or preserved for shade or ornament;

Signs.

14. For preventing the pulling down or defacing of sign-boards, and of printed or written notices;

GAS AND WATER.

Authorizing Gas and Water Companies to lay down pipes, &c.

15. For authorizing any Corporate Gas or Water Company to lay down pipes or conduits for the conveyance of water or gas under streets or public squares, subject to such regulations as the Council sees fit; and

STOCK

STOCK IN.

16. For acquiring stock in, or lending money to, any such Company; and for guaranteeing the payment of money borrowed by, or of debentures issued for money so borrowed by, the Company; Provided the By-law is consented to by the Electors, as hereinbefore provided. Taking Stock in Gas and Water Companies.

260. The Head of any Corporation holding Stock in any such Company to the amount of two thousand five hundred pounds shall be *ex officio* a Director of the Company in addition to the other Directors thereof, and shall also be entitled to vote on such Stock at any Election of Directors. Head of Corporation to be a Director.

PROVISIONS APPLICABLE TO TOWNSHIPS AND COUNTIES.

261. The following Section applies to Townships and Counties:

262. The Council of every Township and County may pass By-laws for paying the Members of the Council for their attendance in Council, at a rate not exceeding one dollar and fifty cents per diem. Remunerating Councillors limited.

PROVISIONS APPLICABLE TO TOWNSHIPS ONLY.

263. The following Sections numbered 264 to 271 apply to Townships only:

TOWNSHIP WARDS.

264. In case one hundred of the qualified Electors of a Township on the last revised Assessment-Roll do, by Petition in writing signed by them, apply to the Council of the Township to divide the Township into Wards, if not already so divided, the Council shall, within one month thereafter, pass a By-law to give effect to the Petition, and shall in the By-law recite the Petition, and also the present section of this Act, and shall declare that the By-law is passed in compliance with the prayer of the Petition, and shall therein define the boundaries of the several Wards; and the By-law shall take effect on the first day of December next after one month from the date of its first publication in some newspaper published in the County or Union of Counties in which the Township is situated, or by printed hand-bills posted in at least twenty public places in the Township. Wards how to be formed upon Petitions of one hundred of the Electors.

265. The Council shall so arrange the Wards that they may be as compact, and contain as nearly an equal number of Electors as may consist with the convenience of the inhabitants, the number of Wards being five in all cases. Duty of Council in the formation of Wards. No. to be five.

To pass a By-law.

266. The Council of any Township may from time to time, without any such Petition, pass By-laws to divide the Township into Wards, or, in case of a Township already divided into Wards, to alter or abolish such division: And in case any such By-law, whether petitioned for or not, is passed with the concurrent votes of at least four members, it shall take effect on the first day of December next after one month from its first publication in some newspaper published in the County or Union of Counties in which the Township is situate, or by printed hand-bills posted in at least twenty public places in the Township.

What it shall recite.

When the By-law shall take effect.

267. In case the By-law, when not petitioned for as hereinbefore provided, is passed with the concurrent votes of only three members, it shall take effect on the first day of December next, after it has been approved by a majority of the Electors of the Township who shall vote thereon, at a special vote to be taken for that purpose under the following regulations:

Publication of By-law.

1. The Reeve of the Township shall, within ten days after the passing of the By-law, cause the same to be published for one month in some newspaper within the County or Union of Counties within which the Township is situate, or by posting printed copies thereof in hand-bill form in at least twenty public places in the Township, and shall also at the same time and in connection therewith, and in like manner, publish a notice of the time when, and place or places where the By-law will be submitted to a vote of the Electors of the Township;

And notice of its submission to Electors.

Vote of Electors thereon.

2. Such vote shall not be taken in less than one month after the first publication of the By-law, nor shall it be at a later period than the next annual Municipal Election, and if not taken at the annual Municipal Election, it shall be taken in like manner and at the place or places where the last annual Municipal Election was held, and by the Returning Officer or Officers who conducted such last annual Election; and in case of the death or incapacity of any such Returning Officer, another shall be appointed for that purpose by the Reeve;

Copies of By-law to Returning Officers.

3. The Reeve of the Township shall cause a certified copy of the By-law to be delivered to the Returning Officer of the Township, or of each Ward or Electoral Division thereof, (as the case may be) before the time appointed for taking such vote;

When the By-law is for division into Wards.

4. Where the By-law is for a division into Wards, or for an alteration of an existing division, the Returning Officer shall, at the commencement of the time appointed for taking the vote and during its continuance, cause fair copies of the By-law to be kept for public inspection in four conspicuous places about the place where the poll is held;

5. The Returning Officer shall insert appropriate columns in the Poll-Books, headed: Form of Poll Books.

"For the division into Wards," and

"Against the division into Wards;" or

"For the alteration of the division into Wards," and

"Against the alteration of the division into Wards;" or

"For the abolishing of Wards," and

"Against the abolishing of Wards;"

And shall, in such columns, while the Poll for the Election of Councillors is open, receive and record the Votes of Electors tendered for and against the By-law;

6. The Returning Officer or Returning Officers shall, within three days after such vote has been taken, return the Poll-Books properly certified to the Reeve of the Township, who shall within one week thereafter examine the returns of the votes for and against the By-law, and give public notice of the result. Certified Poll Books to be returned to the Reeve.

ELECTORAL DIVISIONS.

268. Whenever a Township is not divided into Wards the Council may from time to time pass By-laws for dividing the Township into two or more convenient electoral divisions for establishing polling places therein and for appointing Returning Officers therefor, and may from time to time repeal or vary the same. Electoral Divisions in townships not divided into Wards.

POOR.

269. Every Township Council may also make By-laws for raising money by a rate to be assessed equally on the whole rateable property of the Township, for the support of the poor resident in the Township. By-laws for the relief of the poor, when and how they may be passed.

OBSTRUCTIONS TO STREAMS AND WATERCOURSES.

270. Every Township Council may also make By-laws for preventing the obstruction of streams, creeks and watercourses by trees, brushwood, timber or other materials, and for clearing way and removing such obstructions at the expense of the guilty parties or otherwise, and for levying the amount of such expense in the same manner as taxes are levied, and for imposing penalties on parties causing such obstructions. By-laws for preventing obstruction of Streams, &c.

DRAINAGE IN TOWNSHIPS.

271. In case a majority in number of the resident owners of the property in any part of a Township do petition the Council for Drainage.

Plans and estimates.

for the draining of the property (describing it), the Council may procure an examination to be made by a competent Engineer of the property proposed to be drained, and may procure plans and estimates to be made of the work by the Engineer;

By-law.

272. If the Council is of opinion that the draining of the locality described would greatly benefit the Township, the Council may pass a By-law:

Its provisions.

1. For providing for the draining of the locality;

Assessment for expenses.

2. For assessing and collecting from the proprietors of the several lands immediately benefitted by the draining, so much of the cost thereof, and of procuring the examination, plans and estimates to be made, and of all other expenses incident to the work, as may not exceed the benefit the lands respectively derive from such draining, and in proportion, as nearly as may be, to the benefit to each of the proprietors therefrom;

Time of paying.

3. For regulating the time or times and manner in which the assessment is to be paid;

Ascertaining property benefitted.

4. For ascertaining and determining, through the Engineer, what real property will be immediately benefitted by the draining, and the proportions in which the assessment should be made on the various portions of the lands so benefitted, and subject in every case to an appeal to the Court of Revision and the County Court Judge, in the same manner and on the same terms, as nearly as may be, as in the case of an ordinary assessment;

Publication of By-law.

5. But the By-law shall not be valid, unless, before the final passing thereof, the same is published once or oftener in every week, for three months, in some newspaper published in the Township, or if no newspaper is published therein, then in some newspaper published in the nearest Municipality in which a newspaper is published.

PROVISIONS APPLICABLE TO COUNTIES, CITIES, AND TOWNS.

What sections so to apply.

273. The following Sections numbered 274 and 275 apply to the following Municipalities:

1. Counties,
2. Cities,
3. Towns.

INSPECTORS OF WEIGHTS AND MEASURES.

274. The Council of every County, City and Town, may pass By-laws :

Inspectors of weights and measures : their powers.

1. For appointing Inspectors to regulate weights and measures, according to the lawful standard;

2. For visiting all places wherein weights and measures, steel-yards, or weighing machines of any description, are used;

3. For seizing and destroying such as are not according to the standard;

4. For imposing and collecting penalties upon persons who are found in possession of unstamped or unjust weights, measures, steel-yards, or other weighing machines.

PUBLIC MORALS.

275. The Council of every County, City and Town may also pass By-laws :

By-laws for other purposes.

1. For enforcing the due observance of the Sabbath according to law ;

2. For preventing the sale or gift of intoxicating drink to a child, apprentice or servant without the consent of a parent, master or legal protector;

3. For preventing the posting of indecent placards, writings or pictures, or the writing of indecent words, or the making of indecent pictures or drawings, on walls or fences in streets or public places;

4. For preventing vice, drunkenness, profane swearing, obscene, blasphemous or grossly insulting language, and other immorality and indecency in streets, highways or public places;

5. For suppressing tippling houses and houses of ill-fame;

6. For preventing or regulating horse racing;

7. For preventing or regulating and licensing exhibitions held or kept for hire or profit, bowling alleys, and other places of amusement;

8. For suppressing gambling houses, and for seizing and destroying faro-banks, rouge et noir, roulette tables, and other devices for gambling found therein;

9. For restraining and punishing vagrants, mendicants and persons found drunk or disorderly in any street, highway or public place;

10. For preventing indecent public exposure of the person and other indecent exhibitions;

11. For preventing or regulating the bathing or washing the person in any public water near a public highway.

PROVISIONS APPLICABLE TO COUNTIES AND CITIES.

Extent of section 276.

276. The following Sections numbered from 277 to 280 to apply to the following Municipalities:

1. Counties, and

2. Cities.

By-laws for regulating—

277. The Council of every County and City may respectively pass By-laws for the following purposes:

ENGINEERS—INSPECTORS.

Engineers, and

1. For appointing in addition to other officers, one or more Engineers, and also one or more Inspectors of the House of Industry, also one or more Surgeons of the Gaol and other institutions under the charge of the Municipality, and for the removal of such officers;

AUCTIONEERS.

Auctioneers.

2. For licensing, regulating and governing Auctioneers and other persons selling or putting up for sale goods, wares, merchandize or effects by public auction; and for fixing the sum to be paid for every such License, and the time it shall be in force;

HAWKERS AND PEDLARS.

Hawkers and pedlars.

3. For licensing, regulating and governing hawkers or petty chapmen, and other persons carrying on petty trades, who have not become householders or permanent residents in the County or City, or who go from place to place or to other men's houses, on foot, or with any animal bearing or drawing any goods, wares or merchandize for sale, or in or with any boat, vessel, or other craft or otherwise, carrying goods, wares or merchandize for sale, and for fixing the sum to be paid for a license for exercising such calling within the County or City, and the time the license shall be in force; and for providing the Township Clerks with licenses in this and the previous section mentioned

mentioned, for sale to parties applying for the same in the Township under such regulations as may be prescribed in such By-Law; but no duty shall be imposed for hawking or pedling any goods, wares or merchandize, the growth, produce or manufacture of this Province, not being liquors mentioned in the 245th Section of this Act;

FERRIES.

4. For regulating Ferries between any two places in the Municipality; and establishing the rates of ferriage to be taken thereon; but no such By-law as to Ferries, shall have effect until assented to by the Governor in Council. Ferries.

278. Until the Council of the County or City pass a By-law regulating such Ferries, and in the cases of ferries not between two places in the same Municipality, the Governor by Order in Council may from time to time regulate such ferries respectively and establish the rates to be taken thereon, in accordance with the Statutes in force relating to Ferries. Where there is no By-law.

279. The Council of every County and City may pass By-laws for the following purposes: By-laws may be made by Cities and Counties, for—

LANDS FOR GRAMMAR SCHOOLS.

1. For obtaining in such part of the County, or of any City within the County, as the wants of the people may most require, the real property requisite for erecting County Grammar School Houses thereon, and for other Grammar School purposes, and for preserving, improving and repairing such School Houses, and for disposing of such property when no longer required; Purchase of lands for Grammar Schools.

AIDING GRAMMAR SCHOOLS.

2. For making provision in aid of such Grammar Schools as may be deemed expedient; Aiding such school.

PUPILS COMPETING FOR UNIVERSITY PRIZES.

3. For making a permanent provision for defraying the expense of the attendance at the University of Toronto, and at the Upper Canada College and Royal Grammar School there, of such of the Pupils of the Public Grammar Schools of the County as are unable to incur the expense but are desirous of, and, in the opinion of the respective Masters of such Grammar Schools, possess competent attainments for, competing for any Scholarship, Exhibition or other similar Prize, offered by such University or College; Grammar school pupils competing for University prizes.

4. For making similar provision for the attendance at any County Grammar School, for like purposes, of Pupils of the Common Schools of the County; Attendance at grammar schools.

ENDOWING

ENDOWING FELLOWSHIPS.

Endowing Fellowships.

5. For endowing such Fellowships, Scholarships or Exhibitions, and other similar Prizes, in the University of Toronto, and in the Upper Canada College and Royal Grammar School there, for competition among the Pupils of the Public Grammar Schools of the County, as the Council deems expedient for the encouragement of learning amongst the youth thereof.

PROVISIONS APPLICABLE TO COUNTIES ONLY.

Extent of sections 281 to 285.

280. The following sections numbered from 281 to 285 apply to Counties only:

SEPARATE IMPROVEMENTS BY UNITED COUNTIES.

One of united counties may make improvements with union funds.

281. The Councils of United Counties may make appropriations and raise funds, to enable either County separately to carry on such improvements as may be required by the inhabitants thereof.

Reeves of the County interested only to vote for.

282. Whenever any such measure is brought under the notice of the Council of any United Counties, none but the Reeves and Deputy Reeves of the County to be affected by the measure shall vote; except in case of an equality of votes for or against the measure, when the Warden, whether a Reeve or Deputy Reeve of any portion of the County to be affected by the measure or not, shall have the casting vote.

Provisions of this Act for repayment to apply.

283. In all other respects, all the provisions of this Act, giving such privileges and making provision for the payment of the amounts appropriated, whether to be borrowed upon a loan or to be raised by direct taxation, shall be adhered to.

Treasurer to pay over moneys, without deduction.

284. The Treasurer of the United Counties shall pay over all sums so raised and paid into his hands by the several Collectors without any deduction for percentage.

In such cases the property of the County interested is alone to be assessed.

285. The property to be assessed for the purposes contemplated in the four last preceding sections of this Act, shall be the same as the property assessed for any other County purpose, except that any sum to be raised for the purposes of one County only, or for the payment of any debt contracted for the purposes of one County only, shall be assessed and levied solely upon property assessed in that County, and not upon property in any other County united with it.

PROVISIONS APPLICABLE TO CITIES, TOWNS AND INCORPORATED VILLAGES.

286. The following section applies to the following Municipalities : Extent of section 287.

1. Cities,
2. Towns, and
3. Incorporated Villages.

287. The Council of every City, Town and Incorporated Village may respectively pass By-laws for the following purposes : By-laws may be made—

HARBOURS, DOCKS, &C.

1. For regulating or preventing the encumbering, injuring or fouling, by animals, vehicles, vessels or other means, of any public wharf, dock, slip, drain, sewer, shore, bay, harbour, river or water ; For the cleanliness of streets, &c.

2. For directing the removal of door steps, porches, railings or other erections, or obstructions projecting into or over any wharf, dock, slip, drain, sewer, bay, harbour, river or water or the banks or shores thereof, at the expense of the proprietor or occupant of the property connected with which such projections are found ; For removal of door steps, &c.

3. For making, opening, preserving, altering, improving and maintaining public wharves, docks, slips, shores, bays, harbours, rivers or waters and the banks thereof ; Wharves, docks, &c.

4. For regulating Harbours, for preventing the filling up or encumbering thereof ; for erecting and maintaining the necessary beacons, and for erecting and renting wharves, piers and docks therein and also floating elevators derricks, cranes and other machinery suitable for loading, discharging or repairing Vessels ; for regulating the vessels, crafts, and rafts, arriving in any Harbour ; and for imposing and collecting such reasonable Harbour dues thereon as may serve to keep the Harbour in good order, and to pay a Harbour Master ; For regulating harbours, &c.

WATER.

5. For establishing, protecting and regulating public wells, reservoirs and other conveniences for the supply of water ; and for making reasonable charges for the use thereof ; and for preventing the wasting and fouling of public water ; For supplying water, &c.

MARKETS.

6. For establishing markets ; Markets.

7.

For regulating markets. Old markets continued.

7. For regulating all markets established and to be established; the places however already established as markets in such Municipality, shall continue to be markets, and shall retain all the privileges thereof until otherwise directed by competent authority; and all market reservations or appropriations heretofore made in any such Municipality, shall continue to be vested in the Corporation thereof;

Regulating vending in streets.

8. For preventing or regulating the sale by retail in the public streets, of any meat, vegetables, fruit or beverages;

Vending in open air.

9. For preventing or regulating the buying and selling of articles or animals exposed for sale or marketed in the open air;

Sale of Butcher's meat.

10. For regulating the place and manner of selling and weighing butcher's meat, fish, hay, straw, fodder, wood, and lumber;

Preventing forestalling.

11. For preventing the forestalling, regrating or monopoly of market grains, meats, fish, fruits, roots and vegetables;

Regulating Hucksters.

12. For preventing and regulating the purchase of such things by hucksters or runners living within the Municipality, or within one mile from the outer limits thereof;

Weighing, &c.

13. For regulating the mode of measuring or weighing, (as the case may be) of lime, shingles, laths, cordwood, and coal and other fuel;

Penalties for light weight.

14. For imposing penalties for light weight or short count or short measurement in any thing marketed;

Regulating vehicles used in market vending.

15. For regulating all vehicles, vessels and other things in which any thing is exposed for sale or marketed in any street or public place, and for imposing a reasonable duty thereon and establishing the mode in which it shall be paid;

Assize of Bread.

16. For regulating the assize of bread, and preventing the use of deleterious materials in making bread; and for providing for the seizure and forfeiture of bread made contrary to the By-law;

Tainted provisions.

17. For seizing and destroying all tainted and unwholesome meat, poultry, fish, or other articles of food;

Rent of market stalls.

18. For selling, after six hours' notice, butchers' meat distrained for rent of market-stalls;

NUISANCES.

Bathing.

19. For preventing or regulating the bathing or washing the person in any public water in or near the Municipality;

20. For preventing and abating public nuisances; — Abatement of nuisances.

21. For preventing or regulating the construction of privy vaults; — Privy vaults.

22. For causing vacant lots to be properly enclosed; — Vacant lots.

23. For preventing or regulating the erection or continuance of slaughter houses, gas works, tanneries, distilleries or other manufactories or trades which may prove to be nuisances; — Slaughter Houses.

24. For preventing the ringing of bells, blowing of horns, shouting and other unusual noises, in streets and public places; — Tumultuous noises.

25. For preventing or regulating the firing of guns or other fire arms; and the firing or setting off of fire balls, squibs, crackers or fire works, and for preventing charivaries and other like disturbances of the peace; — Firing guns, &c.

26. For preventing immoderate riding or driving in highways or streets; for preventing the leading, riding or driving of horses or cattle upon side-walks or other places not proper therefor; — Furious driving.

27. For preventing persons in streets or public places from importuning others to travel in or employ any vessel or vehicle, or go to any tavern or boarding-house, or for regulating persons so employed; — Importuning travellers.

PUBLIC HEALTH.

28. For providing for the health of the Municipality and against the spreading of contagious or infectious diseases; — Public health.

INTERMENTS.

29. For regulating the interment of the dead, and for preventing the same taking place within the Municipality; — Interments.

30. For directing the keeping and returning of bills of mortality; and for imposing penalties on persons guilty of default in doing so; — Bills of mortality.

LICENSES.

31. For regulating and licensing the owners of livery stables and of horses, cabs, carriages, omnibuses and other vehicles used for hire; for establishing the rates of fare to be taken by the owners or drivers; and for enforcing payment thereof; — Licensing cabs, &c.

GUNPOWDER.

32. For regulating the keeping and transporting of gunpowder and other combustible or dangerous materials; for regulating, and providing for the support by fees, of magazines — Gunpowder, care of.

for storing gunpowder belonging to private parties; for compelling persons to store therein; for acquiring land, as well within as without the Municipality, for the purpose of erecting powder magazines, and for selling and conveying such land when no longer required therefor;

FIRES.

Fire companies, &c. 33. For appointing Fire Wardens, Fire Engineers and Firemen, and promoting, establishing and regulating fire-companies, hook-and-ladder companies, and property-saving companies;

Medals and rewards to, &c. 34. For providing medals or rewards for persons who distinguish themselves at fires; and for granting pecuniary aid or otherwise assisting the widows and orphans of persons who are killed by accidents at such fires;

Fires in stables, &c. 35. For preventing or regulating the use of fire or lights in stables, cabinet makers' shops, carpenters' shops, and combustible places;

Dangerous manufactories. 36. For preventing or regulating the carrying on of manufactories or trades dangerous in causing or promoting fire;

Stoves, chimnies, &c. 37. For preventing, and for removing, or regulating the construction of any chimney, flue, fire place, stove, oven, boiler or other apparatus or thing which may be dangerous in causing or promoting fire;

Size and cleaning chimnies, &c. 38. For regulating the construction of chimnies as to dimensions and otherwise; and for enforcing the proper cleaning of the same;

Ashes. 39. For regulating the mode of removal and safe keeping of ashes;

Party walls. 40. For regulating and enforcing the erection of party walls;

Ladders to houses. 41. For compelling the owners and occupants of houses to have scuttles in the roofs thereof, and stairs or ladders leading to the same;

Buildings and yards, condition of. 42. For causing buildings and yards, to be put in other respects into a safe condition to guard against fire or other dangerous risk or accident;

Fire buckets. 43. For requiring the inhabitants to provide so many fire buckets in such manner and time as may be prescribed; and for regulating the examination of them; and the use of them at fires;

44. For authorizing appointed officers to enter at all reasonable times upon any property subject to the regulations of the Council, in order to ascertain whether such regulations are obeyed, or to enforce or carry into effect the same; — Inspection of premises.

45. For making regulations for suppressing fires, and for pulling down or demolishing adjacent houses or other erections, when necessary to prevent the spreading of fire; — Suppression of fires.

46. For regulating the conduct, and enforcing the assistance, of the inhabitants present at fires; and for the preservation of property at fires. — Enforcing assistance at fires.

PROVISIONS APPLICABLE TO CITIES AND TOWNS.

288. The following sections, numbered from 289 to 291, apply to the following Municipalities: — Extent of sections 289 to 291.

1. Cities. | 2. Towns.

CORONERS.

289. One or more Coroners shall be appointed for every incorporated City and Town. — Appointment of.

INTELLIGENCE OFFICES.

290. The Council of every City and Town may respectively pass By-laws:

1. For Licensing suitable persons to keep Intelligence Offices for registering the names and residences of and giving information to, or procuring servants for, employers in want of domestics or labourers, and for registering the names and residences of and giving information to, or procuring employment for, domestics, servants and other labourers desiring employment, and for fixing the fees to be received by the keepers of such offices; — Licensing Intelligence offices.

2. For the regulation of such Intelligence Offices; — Regulation of.

3. For limiting the duration of or revoking any such license; — Duration of license.

4. For prohibiting the opening or keeping any such Intelligence Office within the Municipality without License; — Prohibition of, without license.

5. For fixing the fee to be paid for such License, not exceeding one dollar for one year; — Fees for.

WOODEN BUILDINGS.

6. For regulating the erection of buildings and preventing the erection of wooden buildings and wooden fences in specified parts of the City or Town; — Wooden buildings.

POLICE.

A police.

7. For establishing, regulating and maintain
but subject to the other provisions of this Act on

INDUSTRIAL FARM—EXHIBITION.

Industrial farm.

8. For acquiring any estate in landed prop
without the City or Town for an industrial
public park, garden or walk, or for a place f
and for the disposal thereof when no longer r
purpose; and for accepting and taking cha
property, within or without the City or Town
public park, garden or walk for the use of the In
City or Town;

Buildings thereon.

9. For the erection thereon of buildings and
purposes of the farm, park, garden, walk or place
as the Council deems necessary;

Managing the same.

10. For the management of the farm, park,
or place for exhibitions, and buildings;

CHARITY.

Almshouses.

11. For establishing and regulating within the
or on the Industrial farm or ground held for pub
one or more Almshouses or houses of refuge for
destitute, and for granting out of door relief
poor, and also for aiding charitable institutions
or Town;

SNOW, ICE AND DIRT.

Removing snow, &c.

12. For compelling persons to remove the sno
from the roofs of the premises owned or occ
and also to remove the same from the sidewalks,
in front of such premises, and for removing t
expense of the owner or occupant in case of his

NUMBERING HOUSES AND LOTS.

Numbering houses, &c.

13. For numbering the houses and lots along
the Municipality, and for affixing the numbers
buildings or other erections along the streets, an
the owner or occupant of each house or lot wi
incident to the numbering of the same;

Record of streets and numbers.

14. For keeping (and every such Council is h
to make and keep) a record of the streets and
houses and lots numbered thereon respectively
thereon, and every such Council is hereby re

thereon, a division of the streets with boundaries and distances for public inspection ;

DRAINAGE.

Levels of cellars.

15. For ascertaining and compelling owners, tenants and occupants to furnish the Council with the levels of the cellars heretofore dug or constructed or which may hereafter be dug or constructed along the streets of the Municipality, such levels to be with reference to a line fixed by the By-laws ;

Deposit of plan of buildings.

16. For compelling to be deposited with an officer, to be named in the By-law, before commencing the erection of any building, a ground or block plan of such building with the levels of the cellars and basements thereof with reference to a line fixed by the By-law ;

Cellars, privies, &c.

17. For regulating the construction of cellars, sinks, water-closets, privies and privy-vaults, and the manner of draining the same ;

Filling up certain places.

18. For compelling or regulating the filling up, draining, clearing, altering, relaying and repairing of any grounds, yards, vacant lots, cellars, private drains, sinks, cesspools and privies; and for assessing the owners or occupiers of such grounds, yards, or of the real estate on which the cellars, private drains, sinks, cesspools and privies are situate, with the cost thereof if done by the Council on their default ;

Sewerage.

19. For making any other regulations for sewerage or drainage that may be deemed necessary for sanitary purposes ;

Charging property benefitted.

20. For charging all persons who own or occupy property which is drained into a common sewer or which by any By-law of the Council is required to be drained into such sewer with a reasonable rent for the use of the same ; and for regulating the time or times and manner in which the same is to be paid.

291. The Council of a City or Town may also pass By-laws :

Appointment of Corporation Surveyor.

1. For appointing any person to be the Corporation Surveyor, and the Board of Examiners of Provincial Land Surveyors for Upper Canada shall examine such person, and if he is found competent, shall grant to him, without the usual service, his certificate as a Deputy Provincial Surveyor, and his acts as such shall, in the Town or City, while he holds the office of Surveyor thereto, have the same effect as those of any other Deputy Provincial Surveyor ;

GAS AND WATER.

Lighting with Gas.

2. For lighting the Municipality, and for this purpose performing any work, and placing any fixtures that are necessary on private property;

Laying down gas and water pipes.

3. For laying down Gas or Water pipes in any street and opening streets for the purpose; and for taking up or repairing such pipes, and for using every power and privilege given to any Gas or Water Company incorporated in the Municipality as if the same were specially given by this Act, subject however to the provisions herein contained as to the erection of Gas or Water Works and levying rates therefor;

Gas and Water Works.

4. For constructing Gas and Water Works, and for levying an annual special rate to defray the yearly interest of the expenditure therefor, and to form an equal yearly sinking fund for the payment of the principal within such time as shall not exceed thirty years, nor be less than five years;

Estimate to be published, and a Poll held on the By-law.

5. But no By-law under the last sub-section shall be passed, Firstly, until estimates of the intended expenditure have been published for one month, and notice of the time appointed for taking a Poll of the Electors on the proposed By-law has been published for two months, and a copy of the proposed By-law at length as the same may be ultimately passed, and a notice of the day appointed for finally considering the same in Council, have been published for three months, in some newspaper in the Municipality; or, if no newspaper is published therein, then in some newspaper in the County in which the Municipality is situate;

Proceedings in taking public vote.

Poll to be held, and majority must be in favour.

Nor, Secondly, until at a Poll, held in the same manner and at the same places, and continued for the same time as at elections for Councillors, a majority of the Electors, voting at the Poll, vote in favor of the By-law;

By-law to be passed only at a special meeting, &c.

Nor, Thirdly, unless the By-law is thereafter passed at the special meeting mentioned in the published notice;

If the By-law is rejected.

6. If the proposed By-law is rejected at such Poll, no other By-law for the same purpose shall be submitted to the electors during the current year;

If there is a Gas or Water Company for the Municipality.

7. In case there is any Gas or Water Company incorporated for the Municipality, the Council shall not levy any Gas or Water rate until such Council has by By-law fixed a price to offer for the Works or Stock of the Company; nor until thirty days have elapsed after notice of such price has been communicated to the Company without the Company's having accepted the same, or having, under the provisions of this Act as

as to Arbitrators, named and given notice of an Arbitrator to determine the price, nor until the price accepted or awarded has been paid, or has been secured to the satisfaction of the Company;

8. The Council of a City or Town may also pass By-laws,— For providing for the inspection of Gas-metres; Inspection of Gas-metres.

9. For providing for the appointment of three Commissioners for entering into contracts for the construction of Gas and Water-works,—for superintending the construction of the same,—for managing the works when completed,—and for providing for the Election of the said Commissioners by the Electors from time to time and at such periods, and for such terms as the Council may appoint by the By-law authorizing the Election. Commissioners for erection of Gas or Water Works.

PROVISIONS APPLICABLE TO POLICE VILLAGES ONLY.

292. The following sections numbered from 293 to 299 apply to Police Villages only: Extent of sections 293 to 299.

INSPECTING TRUSTEE.

293. The Trustees of every Police Village, or any two of such Trustees shall, by a writing under their hands to be filed with the Clerk of the Township, or one of the Townships in which the Village is situate, appoint one of their number to be Inspecting Trustee. Appointment of Inspecting Trustee.

294. In case of any vacancy in the office of a Police Trustee by death or otherwise, the remaining Trustee or Trustees shall, by writing to be filed with such Clerk as aforesaid, appoint a Trustee or Trustees to supply the vacancy. Vacancies.

NEGLECT OF DUTY BY TRUSTEES.

295. Any Police Trustee who wilfully neglects or omits to prosecute an offender at the request of any resident householder of the village offering to adduce proof of an offence against the regulations of Police herein established, or who wilfully neglects or omits to fulfil any other duty imposed on him by this Act, shall incur a penalty of five dollars. Penalty for breach of duty.

296. The penalties prescribed by the preceding section, or by that for the establishment of regulations of Police, shall be sued for within ten days after the offence has been committed or has ceased, and not subsequently. Limitation of prosecutions for.

TRUSTEES TO SUE FOR PENALTIES.

297. The inspecting Trustee or, in his absence, or when he is the party complained of, one of the other Trustees, shall Who to sue for penalties.

And before whom.

shall sue for all penalties incurred under the
Police herein established, before a Justice of the
jurisdiction in the village and residing therein,
miles thereof; or if there be none such, then befo

Conviction and levy of penalty.

of the Peace having jurisdiction in the village
tice shall hear and determine such complaint
manner, and may convict the offender, upon th
mation of a credible witness, and shall caus
to be levied by distress and sale of the goods o
and to be paid over to the path-master or path-
division or divisions to which the village belon
of the said path-masters as the Trustees may di
path-master or path-masters shall apply the pe
pair and improvement of the streets and lanes
under the direction of the Trustees.

PUBLIC HEALTH.

Trustees to be Health Officers.

298. The Trustees of every Police Village s
Officers within the Police Village, under t
Parliament of Upper Canada, passed in the fi
reign of His late Majesty, King William the Fo

5 W. 4, c. 10.

*An Act to promote the Public Health and to gua
fectious diseases in this Province*, and under any
may be passed for the like purpose.

POLICE REGULATIONS.

Regulations.

299. The Trustees of every Police villag
and enforce therein the regulations following:

FIRE.

Fires, Ladders, &c.

1. Every proprietor of a house more than one s
place and keep a ladder on the roof of such ho
against the principal chimney thereof, and anothe
ing from the ground to the roof of such house, und
one dollar for every omission; and a further p
dollars for every week such omission continues

Fire buckets.

2. Every householder shall provide himself wi
fit for carrying water in case of accident by fir
nalty of one dollar for each bucket deficient;

Furnaces, &c.

3. No person shall build any oven or furnace
joins and is properly connected with a chimn
brick at least three feet higher than the house
which the oven or furnace is built, under a penal
ing two dollars for non-compliance;

Stove pipes, &c.

4. No person shall pass a stove-pipe throu
or lathed partition or floor, unless there is a space

between the pipe and the wood work nearest thereto; and the pipe of every stove shall be inserted into a chimney; and there shall be at least ten inches in the clear between any stove and any lathed partition or wood work, under a penalty of two dollars;

Lights in stables, &c.

5. No person shall enter a mill, barn, outhouse or stable, with a lighted candle or lamp unless well enclosed in a lantern, nor with a lighted pipe or cigar, or with fire not properly secured, under a penalty of one dollar;

Chimnies.

6. No person shall light or have a fire in a wooden house or outhouse unless such fire is in a brick or stone chimney, or in a stove of iron or other metal, properly secured, under a penalty of one dollar;

Securing fire carried through streets, &c.

7. No person shall carry fire or cause fire to be carried into or through any Street, Lane, Yard, Garden or other Place, without having such fire confined in some copper, iron or tin vessel, under a penalty of one dollar for the first offence, and of two dollars for every subsequent offence;

Fires in streets.

8 No person shall light a fire in a street, lane or public place, under a penalty of one dollar;

Hay, straw, &c.

9. No person shall place Hay, Straw or Fodder, or cause the same to be placed, in a dwelling house, under a penalty of one dollar for the first offence, and of five dollars for every week the Hay, Straw or Fodder is suffered to remain there;

Ashes, &c.

10. No person, except a manufacturer of pot or pearl ashes, shall keep or deposit ashes or cinders, in any wooden vessel, box or thing not lined or doubled with sheet-iron, tin or copper, so as to prevent danger of fire from such ashes or cinders, under a penalty of one dollar;

Lime.

11. No person shall place or deposit any quick or unslaked lime in contact with any wood of a house, outhouse or other building, under a penalty of one dollar, and a further penalty of two dollars a day until the lime has been removed, or secured to the satisfaction of the inspecting trustee, so as to prevent any danger of fire;

Charcoal furnaces.

12. No person shall erect a furnace for making charcoal of wood, under a penalty of five dollars;

GUNPOWDER.

Gunpowder.

13. No person shall keep or have Gunpowder for sale except in boxes of copper, tin or lead, under a penalty of five dollars for the first offence, and ten dollars for every subsequent offence;

14.

Gunpowder.

14. No person shall sell Gunpowder, or permi
to be sold, in his house, storehouse or shop, outh
building, at night, under a penalty of ten dollars
offence, and of twenty dollars for every subsequen

NUISANCES.

Certain nuisances prohibited.

15. No person shall throw or cause to be thr
or rubbish into a street, lane or public place, un
of one dollar, and a further penalty of two dol
week he neglects to remove the same after being
so by the Inspecting Trustee, or some other pers
by him.

ROADS, BRIDGES, DRAINS, WATERC

WHAT CONSTITUTE HIGHWAYS.

What shall constitute highways.

300. All allowances for roads made by the Cro
in any Town, Township or place already laid ou
laid out; and also all roads laid out by virtue
the Parliament of Upper Canada, or any roads
public money has been expended for opening
whereon the Statute Labour hath been usually
any roads passing through the Indian Lands, sh
common and public highways, unless where suc
been already altered, or may hereafter be altere
Law.

HIGHWAYS VESTED IN THE CROWN.

Highway, &c., vested in the Crown.

301. Unless otherwise provided for, the soil
every highway or road altered, amended or laid
to Law, shall be vested in Her Majesty, Her H
cessors.

JURISDICTION OF MUNICIPALITIES.

Jurisdiction of Municipal Council.

302. Subject to the exceptions and provisio
contained, every Municipal Council shall have ju
the original allowances for Roads, Highways
within the Municipality.

JURISDICTION RESTRICTED.

PROVINCIAL ROADS UNDER BOARD OF W

Roads under Board of Works not to be interfered with.

303. No Council shall interfere with any Public
vested as a Provincial Work in Her Majesty or
Department or Board, and the Governor shall by or
have the same powers as to such Road and Brid
this Act conferred on Municipal Councils wi
other Roads and Bridges; but the Governor m
mation declare any Public Road or Bridge under

the Commissioners of Public Works, to be no longer under their control, and in that case after a day named in the Proclamation the Road or Bridge shall cease to be under the control of the Commissioners, and no tolls shall thereafter be levied thereon by them, and the Road or Bridge shall thenceforth be controlled and kept in repair by the Council of the Municipality.

ROADS ON ORDNANCE LANDS.

Nor with Ordnance roads, lands, &c.

304. No Council shall pass any By-law (1) for stopping up or altering the direction or alignment of any street, lane or thoroughfare made or laid out by Her Majesty's Ordnance, or the Principal Secretary of State in whom the Ordnance Estates are vested under the Statute of this Province, passed in the nineteenth year of Her Majesty's Reign chapter forty-five, (2) or for opening any such communication through land held by the Secretary of State for Her Majesty's Ordnance, or (3) interfering with any bridge, wharf, dock, quay or other work constructed by Her Majesty's Ordnance, or the Secretary of State, or (4) interfering with any land reserved for Military purposes or with the integrity of the public defences, without a written consent signed by the Principal Officer of Her Majesty's Ordnance acting in Canada under the authority of such Secretary of State, certified under the hand of the Commander of the Forces in Canada to be such Principal Officer and to be acting under such authority, and a By-law for any of the purposes aforesaid shall be void unless it recites such consent, authority and certificate.

Unless sanctioned by the Chief Engineer officer, &c.

WHAT ROADS NOT TO BE CLOSED.

Council not to close roads required by individuals.

305. No Council shall close up any public road or highway, whether an original allowance, or a road opened by the Quarter Sessions, or any Municipal Council or otherwise legally established, whereby any person will be excluded from ingress and egress to and from his lands or place of residence over such road, but all such roads shall remain open for the use of the person who requires the same.

NOT TO ENCROACH UPON HOUSES, &C.

Nor to encroach upon houses, &c.

306. No Council shall authorize an encroachment on any dwelling house, barn, stable, out-house, orchard, garden, yard or pleasure ground, without the written consent of the owner.

WIDTH OF ROADS.

Width of roads.

307. No Council shall lay out any road or lane more than ninety nor less than thirty feet in width; but any road, when altered, may be of the same width as formerly.

NOTICE

NOTICE TO BE GIVEN OF BY-LAWS INTENDED TO AFFECT PUBLIC ROADS.

What notice to be given of By-laws intended to affect public roads.

308. No Council shall pass a By-law, for stopping up, altering, widening, diverting or selling any original allowance for road, or for establishing, opening, stopping up, altering, widening, diverting or selling any other public highway, road, street or lane:

Publication.

1. Until written or printed notices of the intended By-law have been posted up one calendar Month previously in six of the most public places in the immediate neighbourhood of such original allowance for road, street, or other highway, road, street or lane;

The same.

2. And to be published weekly for at least four successive weeks in some newspaper (if any there be) published in the Municipality; or if there be no such newspaper, then in a newspaper published in some neighbouring Municipality;

Parties to be heard.

3. Nor until the Council has heard, in person or by Counsel or Attorney, any one whose land might be prejudicially affected thereby, and who petitions to be so heard;

Clerk to give the notice.

4. And the Clerk shall give such notices, at the request of the applicant for the By-law, upon payment of the reasonable expences attendant on such notices.

IN DISPUTES RESPECTING ROADS—WHO MAY SWEAR WITNESSES, &c.

Power to administer oath in disputes respecting boundaries.

309. In case of disputes in any Municipality concerning roads, allowances for roads, side lines, boundaries or concessions, within the cognizance of and in the course of investigation before a Municipal Council, the Head of the Council may administer an oath or affirmation to any party or witness examined upon the matters in dispute.

COMPENSATION FOR LANDS TAKEN.

Owners of lands taken, to be compensated.

310. Every Council shall make to the owners of real property entered upon, taken or used by the Corporation in the exercise of its powers in respect to roads, streets and other public communications, or to drains and common sewers, due compensation for any damages necessarily resulting from the exercise of such powers, beyond any advantage which the claimant may derive from the contemplated work; and any claim for such compensation, if not mutually agreed upon, shall be determined by arbitration under this Act.

TITLES TO LAND OF INFANTS, &C., HOW ACQUIRED.

Title to lands taken.

311. In the case of real property which a Council has authority under this Act, to enter upon, take or use without the owner's consent, Corporations, Tenants in tail or for life, Guardians, Committees and Trustees, shall, on behalf of themselves, their Successors and Heirs respectively, and on behalf of those they represent whether infants, issue unborn, lunatic, idiots, married women or others, have power to act, as well in reference to any arbitration, notice and action under this Act, as in contracting for and conveying to the Council any such real property, or in agreeing as to the amount of damages arising from the exercise by the Council of any power in respect thereof. In case there is no such person who can so act in respect to such real property, or in case any person interested in respect to any such real property, is absent from this Province, or is unknown, or in case his residence is unknown, or he himself cannot be found, the Judge of the County Court for the County in which such property is situate, may, on the application of the Council, appoint a person to act in respect to the same for all or any of the said purposes.

If there be no party who can convey.

Where a party has a life interest only.

312. In case any party acting as aforesaid has not the absolute estate in the property, the Council shall pay to him the interest only at six per centum per annum on the amount to be paid in respect of such property, and shall retain the principal to be paid to the party entitled to it whenever he claims the same, and executes a valid acquittance therefor, unless the Court of Chancery, or other Court having equitable jurisdiction in such cases, do in the mean time direct the Council to pay the same to any person or into Court; and the Council shall not be bound to see to the application of any interest so paid or of any sum paid under the direction of such Court.

Sum awarded how to be applied.

Charges on the purchase money.

313. All sums agreed upon or awarded in respect of such real property, shall be subject to the limitations and charges to which the property was subject.

JOINT JURISDICTION OVER ROADS.

COUNTIES, CITIES AND TOWNS.

Joint jurisdiction over certain roads.

314. In case a road or bridge lies wholly or partly between a County, Town or City and an adjoining County, Town or City, the Councils of the Municipalities between which the road or bridge lies, shall have joint jurisdiction over the same, although the road or bridge may so deviate as in some places to be wholly or in part within one County.

Both Councils must concur in By laws respecting them.

315. No By-law of the Council of any one of such Municipalities, with respect to any such last mentioned road or bridge, shall have any force until a By-law has been passed in similar

similar terms as nearly as may be by the other of the Councils, having joint jurisdiction in the premises.

Arbitration if they do not concur.

316. In case one of such Councils omits to pass a By-law in similar terms to that passed by the other for six months after notice of the By-law, the duties and liabilities of each Municipality in respect to the road or bridge shall be referred to arbitration under the provisions of this Act.

POWERS OF ALL COUNCILS RESPECTING ROADS, BRIDGES AND WORKS.

By-laws respecting Statute Labour.

317. The Council of every Township, County, City, Town and Incorporated Village may also pass By-laws:

STATUTE LABOUR.

Voluntary commutation.

1. For empowering any person, (resident or non-resident) liable to statute labour within the Municipality, to compound for such labour, for any term not exceeding five years, at any sum, not exceeding one dollar, for each day's labour;

Compulsory commutation.

2. For providing that a sum of money, not exceeding one dollar for each day's labour, may or shall be paid in commutation of such statute labour;

Fixing number of days' labour.

3. For increasing or reducing the number of day's labour, to which the persons rated on the Assessment-Roll or otherwise shall be liable, in proportion to the statute labour to which such persons are, in respect of the amounts at which they are assessed or otherwise, respectively liable;

Enforcing Statute Labour.

4. For enforcing the performance of statute labour, or payment of a commutation in money in lieu thereof, when not otherwise provided by law;

Regulating the application of Labour and commutation money.

5. For regulating the manner and the divisions in which statute labour or commutation money shall be performed or expended;

GENERAL POWERS.

Opening roads, &c.

6. For opening, making, preserving, improving, repairing, widening, altering, diverting, stopping up and pulling down, drains, sewers, water courses, roads, streets, squares, alleys, lanes, bridges or other public communications, within the jurisdiction of the Council, and for entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purposes, subject to the restrictions in this Act contained;

TOLLS.

To raise money by toll.

7. For raising money by toll, on any bridge, road or other work, to defray the expense of making or repairing the same;

FAST

FAST DRIVING ON BRIDGES.

8. For regulating the Driving and Riding on public Bridges; To regulate driving on bridges.

PITS AND PRECIPICES.

9. For making regulations as to pits, precipices and deep waters and other places dangerous to travellers; To make regulations as to pits, &c.

ROAD ALLOWANCES.

10. For preserving or selling timber-trees, stone, sand, or gravel, on any allowance or appropriation for a public road; For preservation of Trees, Stone, &c.

11. For selling the original road allowance to the parties next adjoining whose lands the same is situated when a public road has been opened, in lieu of the original road allowance and for the site or line of which compensation has been paid, and for selling in like manner to the owners of any adjoining land, any road legally stopped up or altered by the Council; and in case such parties respectively refuse to become the purchasers at such price as the Council thinks reasonable, then for the sale thereof to any other person for the same or a greater price; When the Council may stop up or sell a road allowance.

PERMITTING ROADS TO PASS, &c.

12. For regulating the manner of granting to Road or Bridge Companies permission to commence or proceed with Roads or Bridges, within its jurisdiction, and for regulating the manner of ascertaining and declaring the completion of the work so as to entitle such companies to levy tolls thereon, and for regulating the manner of making the examinations necessary for the proper exercise of these powers by the Council; Granting privileges to Road or Bridge Companies.

TAKING STOCK IN.

13. For taking stock in, or lending money to, any such incorporated Road or Bridge Company, under and subject to the respective Statutes in that behalf; Taking stock in, or making loans to such Companies.

TOLLS ON, MAY BE GRANTED.

14. For granting to any person, in consideration or part consideration of planking, gravelling or macadamizing a road, or of building a bridge, the tolls fixed by By-law to be levied on the work for a period of not more than twenty-one years after the work has been completed and after such completion has been declared by a By-law of the Council authorizing tolls to be collected. And the grantee of such tolls shall, during the period of his right thereto, maintain the road or bridge in repair. Granting right to take tolls, when. To exact tolls, when.

OLD ROAD ALLOWANCES.

318. In case any one in possession of a Concession road or side line has laid out and opened a road or street in place thereof When a road is substituted

for an original allowance.

thereof without receiving compensation therefor, or in case a new or travelled public road has been laid out and opened in lieu of an original allowance for road, and for which no compensation has been paid to the owner of the land appropriated as a public road in place of such original allowance, the owner, if his lands adjoin the concession road, side line, or original allowance, shall be entitled thereto, in lieu of the road so laid out, and the Council of the Municipality upon the report in writing, of its Surveyor, or of a Deputy Provincial Land Surveyor, that such new or travelled road is sufficient for the purposes of a public highway, may convey the said original allowance for road in fee simple to the person or persons upon whose land the new road runs, and when any such original road allowance is, in the opinion of the Council, useless to the public, and lies between lands owned by different parties, the Municipal Council may, subject to the conditions aforesaid, sell and convey a part thereof to each of such parties as may seem just and reasonable; And in case compensation was not paid for the new road, and the person through whose land the same passes does not own the land adjoining the original road allowance, the amount received from the purchaser of the corresponding part of the road allowance when sold, shall be paid to the person who at the time of the sale owns the land through which the new road passes.

Conveying of former road allowance.

POSSESSION OF ROAD ALLOWANCES.

Original allowances for roads when to be deemed legally possessed till a By-law is passed for opening them.

319. In case a person is in possession of any part of a Government allowance for road laid out adjoining his lot and enclosed by a lawful fence, and which has not been opened for public use by reason of another road being used in lieu thereof, or is in possession of any Government allowance for road parallel or near to which a road has been established by law in lieu thereof, such person shall be deemed legally possessed thereof as against any private person, until a By-law has been passed for opening such allowance for road by the Council having jurisdiction over the same.

NOTICE OF BY-LAWS FOR OPENING SUCH ALLOWANCES.

By-law for opening, &c., roads, &c., to require notice.

320. But no such By-law shall be passed until notice in writing has been given to the person in possession, at least eight days before the meeting of the Council, that an application will be made for opening such allowance.

AIDING COUNTIES IN MAKING ROADS AND BRIDGES.

321. The Municipal Council of every Township, City, Town and Incorporated Village may pass By-laws:

Aiding counties in making roads and bridges.

1. For granting to the County or United Counties in which such Municipality lies, aid, by loan or otherwise, towards opening or making any new road or bridge on the bounds of such Municipality;

2.

2. For entering into and performing any arrangement with any other Council in the same County or United Counties for executing, at their joint expense and for their joint benefit, any work within the jurisdiction of the Council. Joint works with other Municipalities.

HIGHWAYS IN CITIES, TOWNSHIPS, TOWNS AND INCORPORATED VILLAGES.

322. Every public road, street bridge or other highway, in a City, Township, Town or incorporated Village, shall be vested in the Municipality, subject to any rights in the soil which the individuals who laid out such road, street, bridge or highway, reserved, and except any concession or other road within the City, Township or Town or incorporated Village, taken and held possession of by an individual in lieu of a street, road or highway, laid out by him without compensation therefor. Streets in Cities, Towns and incorporated Villages how far vested in Municipalities.

323. Every such road, street, bridge and highway shall be kept in repair by the corporation, and the default of the Corporation so to keep in repair, shall be a misdemeanor punishable by fine in the discretion of the Court, and the Corporation shall be further civilly responsible for all damages sustained by any person by reason of such default, but the action must be brought within three months after the damages have been sustained. And this Section shall not apply to any road, street, bridge or highway laid out without the consent of the Corporation by By-law, until established and assumed by By-law. To be kept in repair by the Corporation, on pain of damages.

LOCAL IMPROVEMENTS OF STREETS.

324. The Council of every City, Town and Incorporated Village may also pass By-laws for the following purposes:

1. For assessing and collecting from the proprietors of real property, immediately benefited by making or repairing any Pavement in any public way or place near to such property, such sums as may be necessary for so making or repairing the same; Local rates for pavements.

2. For raising, upon the petition of at least two thirds of the freeholders and householders resident in any street, square, alley or lane, representing in value one half of the rateable property therein, such sums as may be necessary for Sweeping, Watering or Lighting the street, square, alley or lane, by means of a special rate on the rateable property therein; but the Council may charge the general corporate funds with the expenditure incurred in such Making or Repairing, or in such Sweeping, Watering or Lighting as aforesaid; Watering and sweeping streets.

3. For regulating or preventing the encumbering, injuring or fouling, by animals, vehicles, vessels or other means, of any road, street, square, alley, lane, bridge or other communication; Preventing obstructions in streets.

Removal of door steps.

4. For directing the removal of door steps, porches, railing or other erections, or obstructions projecting into or over any road, or other public communication, at the expense of the proprietor or occupant of the property connected with which such projections are found;

For marking the boundaries of and naming streets.

5. For surveying, settling and marking the boundary lines of all Streets, Roads and other public communications, and for giving names thereto and affixing such names at the corners thereof on either public or private property.

EXCLUSIVE JURISDICTION OVER ROADS.

COUNTIES.

WHAT ROADS.

Exclusive jurisdiction over certain roads by Counties.

325. The County Council shall have exclusive jurisdiction over all Roads and Bridges lying within any Township of the County and which the Council by By-law assumes as a County Road or Bridge, until the By-law has been repealed by the Council, and over all Bridges across streams separating two Townships in the County; and over every Road or Bridge dividing different Townships, although such Road may so deviate as in some places to lie, wholly or in part, within one Township.

ROADS ASSUMED TO BE MACADAMIZED.

Roads assumed to be macadamized, &c.

326. When a County Council assumes by By-law any Road or Bridge within a Township as a County Road or Bridge, the Council shall, with as little delay as reasonably may be, and at the expense of the County, cause the Road to be planked, gravelled or macadamized, or the Bridge to be built in a good and substantial manner.

CERTAIN POWERS OF JUSTICES IN SESSIONS TRANSFERRED.

Certain powers of Justices in Sessions transferred.

327. All powers, duties and liabilities which at any time before the first day of January, one thousand eight hundred and fifty, belonged to the Magistrates in Quarter Sessions, with respect to any particular Road or Bridge in a County, and not conferred or imposed upon any other Municipal Corporation, shall belong to the Council of the County, or, in case the Road or Bridge lies in two or more Counties, to the Councils of such Counties, and the neglect or disobedience of any regulations or directions made by such Council or Councils, shall subject the offenders to the same penalties and other consequences as the neglect or disobedience of the like regulations or directions of the Magistrates would have subjected them to.

GENERAL POWERS OF COUNTIES RESPECTING HIGHWAYS.

328. The Council of every County shall have power to pass By-laws for the following purposes:

1

1. For stopping up, or stopping up and sale, of any original allowance for road or parts thereof within the County, which is subject to the sole jurisdiction and control of the Council, and not being within the limits of any Village, Town or City within or adjoining the County; but the By-law for this purpose shall be subject to the three hundred and eighth section of this Act; Sale of original allowance, &c., for roads in certain cases.

2. For preventing immoderate riding or driving of horses or other cattle on the highways, whether Township or County highways; Preventing furious driving.

3. For opening, making, preserving, improving, repairing, widening, altering, diverting, stopping up and pulling down, drains, sewers, water courses, roads, streets, squares, alleys, lanes, bridges or other public communications, running or being within one or more Townships, or between two or more Townships of the County, or between the County, and any adjoining County or City, or on the bounds of any Town or incorporated Village within the boundaries of the County, as the interests of the inhabitants of the County in the opinion of the Council require to be so opened, made, preserved and improved, and for entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purposes, subject to the restrictions hereinafter contained; Roads within or between several municipalities.

TREES OBSTRUCTING HIGHWAYS.

4. For directing that, on each or either side of a highway passing through a wood, the trees, (unless they form part of an orchard or a shrubbery, or have been planted expressly for ornament or shelter,) shall, for a space not exceeding twenty-five feet on each side of the highway, be cut down and removed by the Proprietor within a time appointed by the By-law, or, on his default, by the County Surveyor or other Officer in whose division the land lies; and, in the latter case, for authorizing the trees to be used by the Overseer or other Officer for any purpose connected with the improvement of the highways and bridges in his division, or to be sold by him to defray the expenses of carrying the By-law into effect; May direct the trees to be cleared on each side of highways. May grant aid to Counties in making roads, &c.

LOCAL RATES FOR SPECIAL IMPROVEMENTS.

5. For levying by Assessment on all the rateable property within any particular parts of two Townships to be described by metes and bounds in the By-law, in addition to all other Rates, a sum sufficient to defray the expense of making, repairing or improving any Road, Bridge, or other public work, lying between such parts of such two Townships, and by which the inhabitants of such parts will be more especially benefited; Local rates for special improvements.

6. But no such By-law, as referred to in the last preceding sub-section, shall be passed, except—1. Upon a petition signed by Proceedings to obtain a By-law for.

by at least one half of the Electors within those parts of such Townships which are to be affected by the By-law; 2. Nor unless a printed notice of the petition, with the names of the signers thereto, describing the limits within which the By-law is to have force, has been given for at least one month, by putting up the same in four different places within such parts of the Township and at the places for holding the sittings of the Council of each Township, whether it be within such parts or not, and also by inserting the same weekly for at least four weeks in some newspaper, if any there be published in the County, or if there is no such newspaper, then in a newspaper published in some adjoining County;

AIDING TOWNSHIPS, &c., IN MAKING ROADS AND BRIDGES.

For aiding in making roads and bridges.

7. For granting to any Town, Township, or Incorporated Village in the County, aid, by loan or otherwise, towards opening or making any new Road or Bridge in the Town, Township or Village, in cases where the Council deems the County at large sufficiently interested in the work to justify such assistance, but not sufficiently interested to justify the Council in at once assuming the same as a County work;

Making, &c., any County road.

8. For requiring that the whole or any part of any County road shall be opened, improved and maintained by any local Municipality within the County.

TOWNSHIPS.

329. The Council of every Township may pass By-laws:

AIDING COUNTIES IN MAKING ROADS.

Aiding County in making Roads.

1. For granting to any adjoining County, aid in making, opening, maintaining, widening, raising, lowering or otherwise improving any highway, road, street, bridge or communication lying between the Township and any other Municipality, and for granting like aid to the County in which the Township lies in respect of any highway, road, street, bridge or communication within the Township assumed by the County as a County work, or agreed to be so assumed on condition of such grant;

ORIGINAL ROAD ALLOWANCES.

Stopping up and sale of original road allowance.

2. For the stopping up and sale of any original allowance for road or any part thereof within the Municipality, and for fixing and declaring therein the terms upon which the same is to be sold and conveyed; but no such By-law shall have any force (1) unless passed in accordance with the three hundred and eighth section of this Act, nor (2) until confirmed by By-law of the Council of the County in which the Township

is situated at an Ordinary Session of the County Council, held not sooner than three months, nor later than one year next after the passing thereof;

TREES OBSTRUCTING HIGHWAYS.

Ordering trees to be cut down on each side of a road.

3. For directing that, on each or either side of a highway passing through a wood, the trees (unless they form part of an orchard or a shrubbery, or have been planted expressly for ornament or shelter) shall, for a space not exceeding twenty-five feet on each side of the highway, be cut down and removed by the proprietor within a time appointed by the By-law, or, on his default, by the Overseer of Highways, or other Officer in whose division the land lies; and, in the latter case, for authorizing the trees to be used by the Overseer or other Officer for any purpose connected with the improvement of the highways and bridges in his division, or to be sold by him to defray the expenses of carrying the By-law into effect.

WHEN ROADS IN VILLAGES OR HAMLETS MAY BE SOLD BY TOWNSHIP COUNCILS.

When roads in Police Villages may be sold by Township Councils.

230. In case the Trustees of any Police village, or fifteen of the inhabitant householders of any other unincorporated village or hamlet consisting of not less than twenty dwelling houses standing within an area of two hundred acres, petition the Council of the Township in which the village or hamlet is situate, and in case the petition of such unincorporated village or hamlet not being a Police Village, is accompanied by a certificate from the Registrar of the County within which the Township lies, that a plan of the village or hamlet has been duly deposited in his office according to the registry laws, the Council may pass a By-law to stop up, sell and convey, or otherwise deal with any original allowance for road lying within the limits of the village or hamlet, as the same shall be laid down on the plan, but subject to all the restrictions contained in this Act with reference to the sale of original allowances.

When Village is partly in each of two townships.

231. The last section shall apply to a village or hamlet situate in two Townships whether such Townships are in the same or different Counties, and in such case the Council of each of the Townships shall have the powers hereby conferred, as to any original allowance for road lying within that part of the village or hamlet which, according to the registered plan, is situate within such Township.

RAILWAYS.

232. The Council of every Township, County, City, Town and Incorporated Village may pass By-laws:

TAKING

TAKING STOCK IN OR AIDING RAILWAY COMPANIES.

Council may make by-laws:

For taking stock in Railways or guaranteeing debentures;

1. For subscribing for any number of shares in the Capital Stock of or for lending to or guaranteeing the payment of any sum of money borrowed by an incorporated Railway Company to which the eighteenth Section of the Statute fourteenth and fifteenth Victoria, Chapter fifty-one,—(the Railway Clauses Consolidation Act) has been made applicable by any special Act;

For guaranteeing the payment of Debentures, &c.

2. For endorsing or guaranteeing the payment of any Debenture to be issued by the Company for the money by them borrowed, and for assessing and levying from time to time upon the whole rateable property of the Municipality, a sufficient sum to discharge the debt or engagement so contracted;

For issuing Debentures.

3. For issuing, for the like purpose, Debentures payable at such times and for such sums respectively, not less than twenty dollars, and bearing or not bearing interest as the Municipal Council may think meet;

To be confirmed by Public vote.

4. For directing the manner and form of signing or endorsing any Debenture so issued, endorsed or guaranteed and of countersigning the same, and by what officer or person the same shall be so signed, endorsed or countersigned, respectively; But no Municipal Corporation shall subscribe for stock or incur a debt or liability for the purposes aforesaid unless the By-law before the final passing thereof has received the assent of the Electors of the Municipality in manner provided by this Act.

Debentures when valid.

Such Debentures valid without the corporate seal.

333. Any Debenture for any of the purposes in the preceding section mentioned, signed or endorsed and countersigned as directed by the By-law, shall be valid and binding on the Corporation without the corporate Seal thereto, or the observance of any other form with regard to the Debenture than such as may be directed in the By-law.

Head when to be a Director.

334. In case any Municipal Council subscribes for and holds stock in such Company to the amount of twenty thousand dollars or upwards, the Head of the Council shall be *ex officio* one of the Directors of the Company in addition to the number of Directors authorized by the Special Act, and shall have the same rights, powers and duties as the other Directors of the Company.

Authorizing Branch Railways.

335. The Council of every Township may pass By-laws for authorizing any Railway Company, in case such authority is necessary, to make any branch Railway on property of the Corporation, or on highways, under such conditions as the Council sees fit, and subject to the restrictions contained in the Railway Clauses Consolidation Act, and any other Acts affecting such Railway.

ARBITRATIONS.

336. In all cases of arbitration directed by this Act, the proceedings shall be as follows:

1. Each party shall appoint one arbitrator and give notice thereof in writing to the other party; and when the other party is a Corporation, the notice shall be given to the Head of the Corporation; — Mode of appointing arbitrators and conducting arbitrations.

2. The two arbitrators appointed by or for the parties shall choose a third arbitrator; — Third Arbitrator.

3. In case of an arbitration between Townships or between Counties, or between a County and a City, or between a County and Town, if for one calendar month after having received such notice the party notified omits appointing an arbitrator; and if for ten days after the second arbitrator has been appointed, the two arbitrators omit to appoint a third arbitrator, then, in case the arbitration is between Townships, the Warden of the County within which the Townships are situate; or in case the arbitration is between Counties, or, between a County and a City or a Town, the Governor in Council may appoint an arbitrator for the party or arbitrators in default; — Provision in case of neglect to appoint.

4. In case of an arbitration between a Municipal Corporation and the owners of property to be entered upon, taken or used in the exercise of the powers of the Corporation in regard to roads, streets or other communications, or to drains and sewers, if, after the passing of the By-law, any person interested in the property appoints and gives due notice to the Head of the Council of his appointment of an arbitrator to determine the compensation to which such person is entitled, the Head of the Council shall, within three days, appoint a second arbitrator and give notice thereof to the other party, and shall express clearly in the notice what powers the Council intend to exercise with respect to the property (describing it); — In case of exercise of powers as to roads, drains, &c.

5. If within one month after service on the owner or owners of the property, of a copy of any By-law certified to be a true copy under the hand of the Clerk of the Council, the owner or owners omit naming an arbitrator and giving notice thereof as aforesaid, the Council or the Head, if authorized by By-law, may name an arbitrator on behalf of the Council and give notice thereof to the owner or owners of the property, and the latter shall, within seven days thereafter, name an arbitrator on his or their behalf; — If the owner of property fails to name an arbitrator.

6. In either of the cases provided for by the two preceding clauses, the two arbitrators shall within seven days appoint a third arbitrator, and their award shall be made within one month after the appointment; — Time for appointing third arbitrator and for award.

7.

County Judge to appoint in certain cases.

7. If any such owner or occupier neglects naming an arbitrator within seven days after receiving notice to do so, or if the two arbitrators do not within seven days from the appointment of the lastly named of the two arbitrators, agree on a third arbitrator within seven days after the lastly named arbitrator's appointment, or if an arbitrator refuses or neglects to act, the Judge of the County Court, on the application of either party, shall nominate as an Arbitrator a fit person resident without the limits of the Municipality in which the property in question is situate, and such Arbitrator shall forthwith proceed to hear and determine the matters referred to him;

Appointments how to be made.

8. The appointment of all Arbitrators shall be in writing under the hands of the appointors, or in case of a Corporation, under the Corporate Seal and authenticated in like manner as a By-law;

Head to appoint for Corporation.

9. The Arbitrators on behalf of a Municipal Corporation or Provisional Corporation, shall be appointed by the Council thereof, or by the Head thereof, if authorized by a By-law of the Council;

Where many parties are interested in the same property.

10. In case there are several persons having distinct interests in property in respect of which the Corporation is desirous of exercising the powers referred to in the above fourth sub-section under a By-law in that behalf passed, whether such persons are all interested in the same piece of property or some or one in a part thereof, and some or one in another part thereof, and in case the By-law or any subsequent By-law provides that the claims of all should in the opinion of the Council be disposed of by one award, such persons shall have one calendar month instead of seven days to agree upon and give notice of an arbitrator jointly appointed in their behalf before the County Court Judge shall have power to name an arbitrator for them;

Arbitrators to be sworn.

11. Every arbitrator, before proceeding to try the matter of the arbitration, shall take and subscribe the following oath (or in case of those who by law affirm, make and subscribe the following affirmation) before any Justice of the Peace:

Form.

"I, (A. B.), do swear, (*or* affirm) that I will well and truly "try the matters referred to me by the parties, and a true and "impartial award make in the premises according to the "evidence. So help me God."

Which Oath or Affirmation shall be filed with the papers of the reference;

Award to be binding in

12. In case the award relates to property to be entered upon, taken or used as mentioned in the said fourth sub-section, and in case

case the By-law did not authorize or profess to authorize any entry or use to be made of the property before an award had been made except for the purpose of survey, or in case the By-law did give or profess to give such authority but the arbitrators find that such authority had not been acted upon, the award shall not be binding on the Corporation unless it is adopted by By-law within six weeks after the making of the award; and if the same is not so adopted, the original By-law shall be deemed to be repealed, and the property shall stand as if no such By-law had been made, and the Corporation shall pay the costs of the arbitration; certain cases, must be adopted by By-law within a certain time.

13. In the case of any award under this Act which does not require adoption by the Council, or in case of any award to which a Municipal Corporation is a party and which is to be made in pursuance of a submission containing an agreement that the present sub-section of this Act should apply thereto, the arbitrator or arbitrators shall take, and immediately after the making of the award shall file with the Clerk of the Council for the inspection of all parties interested, full notes of the oral evidence given on the reference, and also all documentary evidence or a copy thereof, and in case they proceed partly on a view or any knowledge or skill possessed by themselves or by any of them, they shall also put in writing a statement thereof sufficiently full to allow the Court to form a judgment of the weight which should be attached thereto; Notes of the evidence adduced to be taken and filed in certain cases.

14. Every award made under this Act shall be in writing under the hands of all or two of the arbitrators, and shall be subject to the jurisdiction of any of the Superior Courts of Law or Equity as if made on a submission by a Bond containing an agreement for making the submission a rule or order of such Court. And in the cases provided for by the last preceding sub-section, the Court shall consider not only the legality of the award but the merits as they appear from the proceedings so filed as aforesaid, and may call for additional evidence to be taken in any manner the Court directs, and may, either without taking such evidence or after taking such evidence, set aside the award, or remit the matters referred or any of them from time to time to the consideration and determination of the same arbitrators, or to any other person or persons whom the Court may appoint as prescribed in the "Common Law Procedure Act, 1856," and fix the time within which such further or new award shall be made, or the Court may itself increase or diminish the amount awarded or otherwise modify the award, as the justice of the case may seem to the Court to require. Award to be made by at least two arbitrators, and subject to Superior Courts. Powers of the Courts in such matters.

POUNDS AND POUND-KEEPERS.

337. The Council of every Township, Town and City, Incorporated Village, may respectively pass By-laws (not being inconsistent with any Statute relating to Pounds or Cruelty to Animals:) By-laws as to pounds and cruelty to animals.

PROVIDING

PROVIDING POUNDS.

Pounds to be provided.

1. For providing sufficient yards and inclosures for the safe keeping of such animals as it may be the duty of the Pound Keeper to impound;

ANIMALS RUNNING AT LARGE.

Animals running at large.

2. For restraining or regulating the running at large of any animals; and providing for impounding them; and for causing them to be sold in case they are not claimed within a reasonable time, or in case the damages, fines and expenses are not paid according to law;

Appraising damages done by.

3. For appraising the damages to be paid by the owners of animals impounded for trespassing contrary to the laws of Upper Canada or of the Municipality;

4. For determining the compensation to be allowed for services rendered, in carrying out the provisions of this Act with respect to animals impounded or distrained and detained in the possession of the distrainor.

GENERAL PROVISIONS.

Regulations for the government of Pound Keepers.

338. Until varied or other provisions are made by Act of Parliament, or by By-Laws of the Municipality, the following regulations shall be in force:

What animals to be impounded.

1. If not previously replevied, the Pound Keeper shall impound any horse, bull, ox, cow, sheep, goat, pig, or other cattle, or any poultry, distrained for unlawfully running at large, or for trespassing and doing damage, delivered to him for that purpose by any person resident within his division who has distrained the same;

When the common pound is not safe.

2. When the common Pound of the Municipality or place wherein a distress has been made is not secure, the Pound Keeper may confine the animal in any inclosed place within the limits of the Pound Keeper's division within which the distress was made;

Statement of demand to be made to Pound Keeper by impounder.

3. The person distraining and impounding the animal shall, at the time or within twenty-four hours thereafter, deliver to the Pound Keeper duplicate statements in writing of his demands against the owner for damages (if any), not exceeding twenty dollars, done by such animal. And shall at the same time give his written agreement under seal (with a surety if required by the Pound Keeper) which agreement may be after the form following, or in words to the same effect:

I, (or we, as the case may be), do hereby agree that I, (*or* we) will pay to the owner of the (*describing the animal*) by me (A. B.) this day impounded, all costs to which the said owner may be put in case the distress by me the said A. B. proves to be illegal, or in case the claims for damages now put in by me the said A. B. fails to be established ; Form of agreement with Pound Keeper.

4. In case the animal distrained is a horse, bull, ox, cow, sheep, goat, pig or other cattle, and if the same is distrained by a resident of the Township for straying within his premises, such person, instead of delivering the animal to a Pound Keeper, may retain the animal in his own possession, provided he makes no claim for damage done by the animal, and duly gives the notices hereinafter in that case required of him ; If the animal be of a certain kind.

5. If the owner is known to him, he shall forthwith give to the owner notice in writing of having taken up the animal ; If the owner be known.

6. If the owner is not known to the person taking up and retaining possession of the animal, such person shall, within forty-eight hours, deliver to the Township Clerk a notice in writing of having taken up the animal, and containing a description of the color, age and natural and artificial marks of the animal, as near as may be ; If unknown, notice to Township Clerk.

7. The Township Clerk, on receiving this notice, shall forthwith enter a copy thereof in a book to be kept by him for that purpose, and shall post the notice he receives, or a copy thereof, in some conspicuous place on or near the door of his office, and continue the same so posted for at least one week, unless the animal is sooner claimed by the owner ; Duty of Clerk thereon.

8. If the animal or any number of animals taken up at the same time, is or are of the value of ten dollars or more, the distrainer shall cause a copy of the notice to be published in a Newspaper in the County, if one is published therein, and if not, then in a Newspaper published in an adjoining County, and to be continued therein once a week for three successive weeks ; If the animals are worth $10 or over.

9. In case an animal is impounded, notices for the sale thereof shall be given by the Pound Keeper or person who impounded the animal within forty-eight hours afterwards, but no pig or poultry shall be sold till after four clear days, nor any horse or other cattle till after eight clear days from the time of impounding the same ; Notice of sale. When sale may be made.

10. In case the animal is not impounded but is retained in the possession of the party distraining the same, if the animal is a pig, goat or sheep, the notices for the sale thereof shall not be given for one month, and if the animal is a horse or other cattle, the notices shall not be given for two months after the animal is taken up ; If animal is not impounded, but detained.

11.

Notice of sale unless redeemed.

11. The notices of sale may be written or printed and shall be affixed and continued for three clear successive days, in three public places in the Municipality, and shall specify the time and place at which the animal will be publicly sold, if not sooner replevied or redeemed by the owner or some one on his behalf, paying the penalty imposed by law (if any), the amount of the injury (if any) claimed or decided to have been committed by the animal to the property of the person who distrained it, together with the lawful fees and charges of the Pound Keeper, and also of the fence-viewers (if any); and the expenses of the animal's keeping;

Keeper to feed impounded cattle.

12. Every Pound Keeper, and every person who impounds or confines, or causes to be impounded or confined, any animal in any common, open or close Pound, or in any inclosed place, shall daily furnish the animal with good and sufficient food, water, and shelter, during the whole time that such animal continues impounded or confined;

And may recover the value.

13. Every such person who furnishes the animal with food, water, and shelter, may recover the value thereof from the owner of the animal, and also a reasonable allowance for his time, trouble and attendance in the premises;

In what manner such value may be recovered.

14. The value or allowance as aforesaid may be recovered, with costs, by summary proceeding before any Justice of the Peace within whose jurisdiction the animal was impounded, in like manner as fines, penalties or forfeitures for the breach of any By-law of the Municipality may by law be recovered and enforced by a single Justice of the Peace; and the Justice shall ascertain and determine the amount of such value and allowance when not otherwise fixed by law, adhering, so far as applicable, to the tariff of Pound Keepers' fees and charges that may be established by the By-laws of the Municipality;

Other mode of enforcing.

15. The Pound Keeper, or person entitled so to proceed, may, instead of such summary proceeding, enforce the remuneration to which he is entitled in manner hereafter mentioned;

Sale how effected, &c., and purchase money, how applied.

16. In case it is proved by affidavit in writing, before one of the Justices aforesaid, to his satisfaction, that all the proper notices were duly affixed and published in the manner and for the respective times above prescribed, then if the owner or some one for him does not within the time specified in the notices, or before the sale of the animal, replevy or redeem the same in manner aforesaid, the Pound Keeper who impounded the animal, or if the person who took up the animal did not deliver such animal to any Pound-keeper but retained the same in his own possession, then, any Pound-keeper of the Township, shall publicly sell the animal to the highest bidder, at the time and place mentioned in the aforesaid notices

notices, and shall, after deducting the penalty and the damages (if any) and fees and charges aforesaid, apply the produce in discharge of the value of the food and nourishment, loss of time, trouble and attendance so supplied as aforesaid, and the expenses of driving or conveying and impounding or confining the animal, and of the sale and attending the same, or incidental thereto, and the damage when legally claimable not exceeding twenty dollars, to be ascertained as aforesaid, done by the animal to the property of the person at whose suit the same was distrained, and return the surplus (if any) to the original owner of the animal, or if not claimed by him within three months after the sale, the Pound Keeper shall pay such surplus to the Treasurer or Chamberlain of and for the use of the Municipality;

Disputes regarding such demand, how determined.

17. If the owner within forty-eight hours after the delivery of such statements, as provided in the third sub-section of this clause, disputes the amount of the damages so claimed, the amount shall be decided by the majority of three fence-viewers of the Municipality, one to be named by the owner of the animal, one by the person distraining or claiming damages, and the third by the Pound Keeper;

Fence-viewers to view and appraise damage.

18. Such fence-viewers or any two of them shall, within twenty-four hours after notice of their appointment as aforesaid, view the fence and the ground upon which the animal was found doing damage, and determine whether or not the fence was a lawful one according to the Statutes or By-laws in that behalf at the time of the trespass; and if it was, then they shall appraise the damages committed, and, within twenty-four hours after having made the view, deliver to the Pound Keeper a written statement signed by at least two of them of their appraisement, and of their lawful fees and charges;

Penalty for neglect of duty by viewers.

19. Any fence-viewer neglecting his duty as arbitrator as aforesaid, shall incur a penalty of two dollars, to be recovered for the use of the Municipality, by summary proceeding before a Justice of the Peace upon the complaint of the party aggrieved, or the Treasurer or Chamberlain of the Municipality;

Proceedings where viewers decide against the legality of a fence.

20. If the fence-viewers decide that the fence was not a lawful fence, they shall certify the same in writing under their hands, together with a statement of their lawful fees to the Pound Keeper, who shall, upon payment of all lawful fees and charges, deliver such animal to the owner, if claimed before the sale thereof, but if not claimed, or if such fees and charges are not paid, the Pound Keeper, after due notice, as required by this Act, shall sell the animal in the manner before mentioned at the time and place appointed in the notices;

Liability of pound keeper

21. In case any Pound Keeper or person who impounds or confines, or causes to be impounded or confined, any animal

refusing to feed animal impounded.

animal as aforesaid, refuses or neglects to find, provide and supply such good and sufficient food, water, and shelter to the animal, he shall, for every day during which he so refuses or neglects, forfeit a sum not less than one dollar nor more than four dollars, which shall be recoverable by proceeding before any Justice of the Peace;

Recovery and enforcement of penalties.

Imprisonment in default of payment.

22. Every fine and penalty, imposed by this Act, may be recovered and enforced, with costs, by summary conviction, under the summary convictions Act, before any Justice of the Peace of the County, or of the Municipality, in which the offence was committed; and, in default of payment, the offender may be committed to the Common Gaol, House of Correction, or Lock-up-House of such County or Municipality, there to be imprisoned for any time, in the discretion of the convicting and committing Justice, not exceeding fourteen days, unless such fine and penalty, and costs, including the costs of said committal, be sooner paid;

Who may be a witness.

23. Upon the hearing of any information or complaint exhibited or made under this Act, any person giving or making the information or complaint, and any other person shall be a competent witness, notwithstanding such person may be entitled to any part of the pecuniary penalty on the conviction of the offender;

Application of penalties.

24. When not otherwise provided, every pecuniary penalty recovered before any Justice of the Peace under this Act shall be paid and distributed in the following manner: one moiety to the City, Town, Village or Township, in which the offence was committed, and the other moiety thereof, with full costs, to the person who informed and prosecuted for the same, or to such other person as to the Justice may seem proper.

ADMINISTRATION OF JUSTICE AND MATTERS OF POLICE.

CITIES TO BE COUNTIES, &c.

In what respects Cities to be Counties.

339. Every City shall be a County of itself for Municipal purposes, and for such judicial purposes as are herein specially provided for in the case of all Cities, but for no other.

JUSTICES OF THE PEACE.

Heads of Councils, Mayors and Reeves to be Justices of the Peace.

340. The Head of every Council, the Aldermen of a City, the Justices of the Peace and the Reeve of every Town, and the Deputy Reeve of every Township, Town and Incorporated Village, shall *ex officio* be Justices of the Peace for the whole County or union of Counties in which their respective Municipalities lie, and shall not be disqualified by being an Attorney, Solicitor or Coroner.

341.

Qualification and oaths of Councillors as Justice of the Peace when dispensed with.

241. Justices of the Peace for any town, shall have the same property qualification and take the same oaths as other Justices of the Peace, but no Warden, Mayor, Recorder, Police Magistrate, Alderman, Reeve or Deputy Reeve, after taking the oaths or making the declarations as such, shall require to have any property qualification or to take any further oath to enable him to act as a Justice of the Peace.

When Towns become Cities, former Commissions of Peace to cease.

242. When a Town has been erected into a City and the Council of the City duly organized, every Commission of the Peace theretofore issued for the Town, shall cease.

County Justices to have no jurisdiction in Cities, but Quarter Sessions may be held therein.

243. Justices of the Peace for a County in which a City lies shall as such have no jurisdiction over offences committed in the City, and the warrants of County Justices shall require to be endorsed before being executed in a City in the same manner as required by law when to be executed in a separate County. But the general and adjourned Quarter Sessions of the Peace for the County may be held and the jurisdiction thereof exercised within the City.

Governor may appoint Justices of the Peace for Towns.

244. Nothing herein contained shall limit the power of the Governor to appoint under the Great Seal of the Province any number of Justices of the Peace for a Town, or shall interfere with the Jurisdiction of Justices of the Peace for the County in which a Town is situate over offences committed in the Town, except only so far as respects offences against the By-laws of the Town and penalties for refusal to accept or be sworn into office in the Town as to which Jurisdiction shall be exercised exclusively by the Police Magistrate or Mayor or Justices of the Peace for the Town.

Jurisdiction of County Justices in Towns.

Mayor may call out Posse.

245. The Mayor of any City or Town may call out the Possé to enforce the law within his Municipality should exigencies require it, but only under the same circumstances in which the Sheriff of a County may now by law do so.

Powers of Heads of Councils to administer oaths.

246. The Head of every Council, or in his absence the Chairman thereof, may administer an oath or affirmation to any person concerning any account or other matter submitted to the Council.

POLICE OFFICE.

Police Offices in Cities and Towns.

247. The Council of every Town and City shall establish therein a Police Office, and the Police Magistrate, or in his absence, or where there is no Police Magistrate, the Mayor of the Town or City, shall attend at such Police Office daily, or at such times and for such period as may be necessary for the disposal of the business brought before him as a Justice of the Peace; and any Justice of the Peace having Jurisdiction in a Town may, at the request of the Mayor thereof, act in his stead

at

at the Police Office; But, except in cases of urgent necessity, no attendance is required on Sunday, Christmas Day, or Good Friday, or any day appointed by Proclamation for a Public Fast or Thanksgiving.

RECORDER'S COURTS AND POLICE MAGISTRATES.

RECORDER'S COURT.

Recorder's Court in Cities.

348. There shall be in every City a Court of Record to be called the Recorder's Court of the City; and therein the Recorder alone, or assisted by one or more of the Aldermen, shall preside; or in the absence of the Recorder, or when there is no Recorder, the Mayor, (and in his absence, one of the Aldermen elected by themselves) assisted by one or more Aldermen, shall preside; and the Court shall, as to crimes and offences committed in the City and as to matters of civil concern therein, have the same Jurisdiction and powers and use the like process and proceedings as Courts of Quarter Sessions of the Peace in Counties.

Jurisdiction of.

RECORDERS AND POLICE MAGISTRATES.

Recorder, qualification of.

349. The Recorder shall be a Barrister of Upper Canada, of not less than five years' standing.

Salary of Recorder.

350. Every Recorder shall receive a salary of not less than two hundred and fifty pounds, and his salary shall be defrayed from and out of the fee Fund from which the salaries of County Judges are defrayed.

Salary of Police Magistrate.

351. Every Police Magistrate shall receive a salary of not less than one hundred pounds per annum, to be fixed by and to be paid quarterly by the Council.

When Recorder or Police Magistrate to be appointed.

352. A Recorder or a Police Magistrate shall not in the first instance be appointed for any Municipality, until the Council thereof communicates to the Governor its opinion that such an Officer is required.

To be appointed by the Crown.

353. Every Recorder and Police Magistrate shall be appointed by the Crown, and shall hold office during the pleasure of the Crown; and shall *ex officio* be a Justice of the Peace for the City or Town for which he holds Office as well as for the County in which the City or Town is situate.

THE CLERK.

Clerk of Recorder's Court and Police Office.

354. The Clerk of the Council of every City or Town, or such other person as the Council of the City or Town may appoint for that purpose, shall be the Clerk of the Police Office thereof, and perform the same duties and receive the same emoluments

emoluments as Clerks of Justices of the Peace, and the City Clerk, or such other person as the Council of the City may appoint for that purpose, shall also be Clerk of the Recorder's Court, and shall perform the same duties and receive the same emoluments as Clerks of the Peace; and in case the said Clerk or other person is paid by a fixed salary, the said emoluments shall be paid by him to the municipality, and form part of its funds.

SESSIONS OF RECORDER'S COURT.

Sessions of Recorder's Court.

355. The Recorder's Court shall hold four Sessions in every year, and such Sessions shall commence on the second Monday in January, and on the first Monday in the months of April, July and November.

Jurors.

356. The panels of Grand Jurors shall consist of twenty-four persons, and the panels of the Petit Jurors of not less than thirty-six nor more than sixty persons; and all such persons shall be residents of the City, selected to serve as Jurors under the Laws relating to Jurors.

High Bailiff to summon.

357. The High Bailiff of a City, not made a separate County for all purposes, shall ballot for and summon the Jurors under a Precept signed by the Recorder, or by the Mayor, or the Alderman elected to act in the Recorder's place, in the manner appointed by the Laws relating to Jurors.

Costs of persons acquitted of misdemeanor.

358. On the acquittal of any person tried for misdemeanor in a Recorder's Court, the presiding Officer shall, if the Court is satisfied that there was reasonable and probable cause for the prosecution, order the costs thereof to be taxed by the Clerk and to be paid out of the City Funds.

EXPENSES OF RECORDER'S COURT.

Expenses of criminal Justice in Recorder's Court how paid.

359. The expenses of the administration of justice in criminal cases in the Recorder's Court, shall be defrayed out of the Consolidated Revenue Fund, in like manner and to the like extent as the expenses attending the administration of justice in criminal cases in the several Courts of Quarter Sessions in Upper Canada.

INVESTIGATIONS BY RECORDER UNDER RESOLUTION OF CITY COUNCIL.

Investigation by Recorder of charges of malfeasance.

360. In case the Council of any City at any time passes a resolution requesting the Recorder of the City to investigate any matter to be mentioned in the resolution and relating to a supposed malfeasance, breach of trust or other misconduct on the part of any member of the Council or Officer of the

Corporation, or of any person having a contract therewith, in relation to the duties or obligations of the Member, Officer or other person, to the City, or in case the Council of any City sees fit to cause inquiry to be made into or concerning any matter connected with the good Government of the City, or the conduct of any part of the public business thereof, and if the Council at any time passes a resolution requesting the Recorder of the City to make the inquiry, the Recorder shall inquire into the same, and shall for that purpose have all the powers of Commissioners under the Act, intituled, *An Act to empower Commissioners for inquiring into matters connected with the public business to take evidence on oath*; And the Recorder shall, with all convenient speed, report to the Council the result of the inquiry and the evidence taken thereon.

To have powers under 9 V. c. 38.

CITY DIVISION COURT.

Division Court to be held by Recorder.

361. The Governor may, by Letters Patent under the Great Seal, appoint the Recorder to preside over and hold the Division Court of that Division of the County which includes the City; and in such case, as long as the Letters Patent remain unrevoked, the Recorder shall have the powers and privileges and perform the duties otherwise belonging to the County Court Judge as Judge of the Division Court, and during such period the authority and duties of the County Judge or Judge of such Division Court shall cease, except as in this Act provided.

Salary as Judge of Division Court.

362. The Governor in Council shall fix an annual salary to be paid to the Recorder for performing such duties, regard being had in fixing the same to the population resident within the Jurisdiction of such Division Court, the amount accruing from the Court to the fee fund, the amount of the salary of the Recorder as such, and the amount of the salaries of the County Court Judges in Upper Canada, and the salary shall be subject to be altered, in the like way, and shall be paid out of the like Fund and in the like manner as the salary of the County Judge in and for the County in which the City is situated.

Recorder when not to practise at the Bar.

363. While a Recorder is authorized to hold the Division Court, he shall not practise as a Barrister, Advocate, Attorney, Solicitor or Proctor in any Court of Law or Equity.

Absence of Recorder provided for.

364. In case of the Recorder's illness or unavoidable absence, or absence by leave of the Governor while such Letters Patent are in force, the Judge of the County Court of the County in which the City lies, may officiate for the Recorder, as Judge of such Division Court, and in every other capacity pertaining to the office of the Recorder as Judge of such Division Court; or the Recorder may, by an instrument in writing under his hand and seal, appoint a Barrister of Upper Canada

Appointment of Deputy.

to

to act for him as Judge of such Division Court with like powers as aforesaid; but no such appointment shall continue in force for more than one calendar month, unless renewed in like form.

Form of.

365. Every such instrument shall contain a recital of the cause which renders the appointment therein contained necessary; and shall be executed in triplicate; and the Recorder shall file one of the triplicate originals in the Office of the Clerk of such Division Court, and shall deliver or send to the person so named to officiate for him another thereof, and shall transmit the third to the Provincial Secretary for the information of the Governor.

Governor may supersede and substitute another.

366. The Governor may, by an instrument under his Privy Seal, annul any such appointment; and may, if he thinks fit, by the same instrument or any other instrument under his Privy Seal, appoint another Barrister of Upper Canada to act for the Recorder in the place of the Barrister appointed by the Recorder.

JURORS AND WITNESSES.

COMPETENCY.

Competency of Jurors and witnesses.

367. In any prosecution, suit, action or proceeding to which a Municipal Corporation is a party, no Member, Officer or servant of the Corporation shall, on account of his being such, be an incompetent witness, or be liable to challenge as a Juror.

EXEMPTIONS.

Exemptions of Citizens as Jurors.

368. The inhabitants of a City, not a separate County for all purposes, shall be exempt from serving on juries at any other than the City Courts and Courts of Assize and *Nisi Prius*, Oyer and Terminer and General Gaol Delivery for the County in which the City is situate, and on trials at Bar before the Superior Courts of Common Law.

HIGH BAILIFF AND CONSTABLES.

Bailiffs and Constables.

369. Until the organization of the Board of Police hereinafter mentioned, the Council of every City shall appoint annually a High Bailiff, but may provide by By-law that the offices of High Bailiff and Chief Constable shall be held by the same person.

Chief Constable.

370. Until such organization, the Council of the City or Town shall appoint one Chief Constable for the Municipality, and one or more Constables for each Ward, and the persons so appointed shall hold office during the pleasure of the Council.

Arrests by constables for

371. In case any person complains to a Chief of Police, or to a Constable or Bailiff in a Town or City, of a

 breach

alleged breaches of the Peace (not within view) when sanctioned.

breach of the Peace having been committed, and in case such officer has reason to believe that a breach of the Peace has been committed, though not in his presence, and that there is good reason to apprehend that the arrest of the person charged with committing the same is necessary to prevent his escape or to prevent a renewal of the breach of the Peace, or to prevent immediate violence to person or property, then if the person complaining gives satisfactory security to the officer that he will without delay appear and prosecute the charge before the Police Magistrate or before the Mayor or Sitting Justice, such officer may, without warrant, arrest the person charged in order to his being conveyed as soon as conveniently may be before the Magistrate, Mayor or Justice, to be dealt with according to Law.

Until a Board of Police is organized, Mayor, &c, may suspend Chief Constable, &c., from office.

372. Until the organization of a Board of Police, every Mayor, Recorder and Police Magistrate may, within his jurisdiction, suspend from office for any period in his discretion, the Chief Constable, or Constable of the Town or City, and may, if he chooses, appoint some other person to the office during such period; and in case he considers the suspended Officer deserving of dismissal, he shall, immediately after suspending him, report the case to the Council, and the Council may dismiss such Officer, or may direct him to be restored to his office after the period of his suspension expires; and the Recorder and City Council respectively shall have the like powers as to the High Bailiff of a City.

Salary to be withheld during suspension.

373. During the suspension of such officer he shall not be capable of acting in his office except by the written permission of the Mayor, Recorder or Police Magistrate who suspended him, nor during such suspension shall be entitled to any salary or remuneration.

BOARD OF POLICE.

OF WHOM COMPOSED.

Board of Police of whom composed.

374. In every City there is hereby constituted a Board of Commissioners of Police, and such Board shall consist of the Mayor, Recorder and Police Magistrate, and if there is no Recorder or Police Magistrate, or if the offices of Recorder and Police Magistrate are filled by the same person, the Council of the City shall appoint a person resident therein to be a member of the Board, or two persons so resident to be members thereof, as the case may require.

QUORUM.

A majority to constitute a quorum.

375. A majority of the Board shall constitute a quorum, and the acts of a majority shall be considered acts of the Board.

NUMBER OF THE POLICE FORCE.

376. The Police Force shall consist of a Chief Constable and as many Constables and other Officers and Assistants as the Council from time to time deems necessary, but not less in number than the Board reports to be absolutely required. Number of to be determined by the Council.

APPOINTMENT OF POLICEMEN.

377. The members of the Police Force shall be appointed by and hold their offices at the pleasure of the Board. The Policemen to be appointed by the Board.

POLICE REGULATIONS.

378. The Board shall, from time to time, as they may deem expedient, make such regulations for the government of the Force and for preventing neglect or abuse, and for rendering the force efficient in the discharge of all its duties. Board to make Police Regulations.

POLICE SUBJECT TO THE BOARD, &C.

379. The Constables shall obey all the lawful directions, and be subject to the government of the Board, and shall be charged with the special duties of preserving the peace, preventing robberies and other felonies and misdemeanors, and apprehending offenders, and shall have generally all the powers and privileges, and be liable to all the duties and responsibilities which belong by law to Constables duly appointed. The Policemen to be subject to the Board.

REMUNERATION AND CONTINGENT EXPENSES.

380. The Council shall fix and pay a reasonable remuneration for and to the respective members of the Force, and shall provide and pay for all such offices, watch-houses, watch-boxes, arms, accoutrements, clothing and other necessaries as the Board may from time to time deem requisite and require for the accommodation and use of the Force. Duties of. Remuneration and contingent expenses.

COURT HOUSES AND PRISONS.

GAOLS AND COURT HOUSES.

381. Every County Council may pass By-Laws for erecting, improving and repairing a Court House, Gaol, House of Correction, and House of Industry, upon land being the property of the Municipality, and shall preserve and keep the same in repair, and provide the food, fuel and other supplies required for the same. County Council may pass By-laws for building.

382. The Gaol, Court House and House of Correction of the County in which a Town or City, not separated for all purposes from a County, is situate, shall also be the Gaol, Court House Gaols and Court Houses to be common

to Counties and Cities; when.

House and House of Correction of the Town or City; and shall in the case of such a City continue to be so until the Council of the City otherwise directs; and the Sheriff, Gaoler and Keeper of the Gaol and House of Correction shall receive and safely keep until duly discharged, all persons committed thereto by any competent authority of the Town or City.

Compensation how to be regulated and made.

383. While a City or Town uses the Court House, Gaol or House of Correction of the County, the City or Town shall pay to the County such compensation therefor, and for the care and maintenance of prisoners, as may be mutually agreed upon or be settled by arbitration under this Act.

When the amount may be revised.

384. In case after the lapse of five years from such compensation having been so agreed upon, or awarded, or having been settled by Act of Parliament, and whether before or after the passing of this Act, it appears reasonable to the Governor in Council, upon the application of either party, that the amount of the compensation should be reconsidered, he may, by an Order in Council, direct that the then existing arrangement shall cease after a time named in the order, and after such time the Councils shall settle anew, by agreement or by arbitration under this Act, the amount to be paid from the time so named in the Order.

City Councils may erect Court House, Gaol, House of Correction and House of Industry.

385. The Council of every City may erect, preserve, improve and provide for the proper keeping of a Court House, Gaol, House of Correction and House of Industry upon lands being the property of the Municipality, and may pass By-Laws for all or any of such purposes.

Upon separation, Gaol and Court House regulations to continue.

386. In case of a separation of a Union of Counties, all rules and regulations, and all matters and things in any Act of Parliament for the regulation of or relating to Court Houses or Gaols in force at the time of the separation, shall extend to the Court House and Gaol of the Junior County.

LOCK-UP-HOUSES.

Lock-up-houses may be established by County Councils.

387. The Council of every County may establish a Lock-up-House or Lock-up-Houses within the County, and may establish and provide for the salary or fees to be paid to the Constable to be placed in charge of every such Lock-up-House, and may direct the payment of the salary out of the funds of the County.

A Constable to be placed in charge of.

388. Every Lock-up-House shall be placed in the charge of a Constable specially appointed for that purpose, by the Magistrates of the County at any General Quarter Sessions of the Peace therefor.

Who liable to confinement in, &c.

389. Any Justice of the Peace of the County may direct by warrant in writing under his hand and seal, th e

the confinement in a lock-up-house within his County, for a period not exceeding two days, of any person charged on oath with a criminal offence, whom it may be necessary to detain until examined and either dismissed or fully committed for trial to the Common Gaol, and until such person can be conveyed to such Gaol; also the confinement in such Lock-up-House, not exceeding twenty-four hours, of any person found in a public street or highway in a state of intoxication, or any person convicted of desecrating the Sabbath, and generally may commit to a Lock-up-House instead of the Common Gaol or other house of Correction, any person convicted on view of the Justice, or summarily convicted before any Justice or Justices of the Peace of any offence cognizable by him or them, and liable to imprisonment therefor under any Statute or Municipal By-law.

Expense of conveying and maintaining prisoners.

390. The expense of conveying any prisoner to and keeping him in a Lock-up-House shall be defrayed in the same manner as the expense of conveying him to and keeping him in the Common Gaol of the County.

Previous Lock-up-houses to continue.

391. Nothing herein contained shall affect any Lock-up-House heretofore lawfully established, but the same shall continue to be a Lock-up-House as if established under this Act.

Lock-up-houses for persons sentenced to short imprisonment.

392. The Council of every City, Town and Incorporated Village may, by By-laws, establish, maintain and regulate lock-up-houses for the detention and imprisonment of persons sentenced to imprisonment for not more than ten days under any By-law of the Council; and of persons detained for examination on a charge of having committed any offence; and of persons detained for transmission to any Common Gaol or house of Correction either for trial or in the execution of any sentence.

HOUSES OF INDUSTRY AND REFUGE.

County Councils may erect and appoint Inspectors of Houses of Industry.

393. The Council of every County may establish a House of Industry and House of Refuge, and provide by By-law for the erection and repair thereof, and for the appointment and duties of Inspectors, Keepers, Matrons and other servants for the superintendence, care and management of such House of Industry or of Refuge, and in like manner make rules and regulations (not repugnant to law) for the government of the same.

Who liable to be committed thereto.

394. Any two of Her Majesty's Justices of the Peace, or of the Inspectors appointed as aforesaid, may, by writing under their hands and seals, commit to the House of Industry or of Refuge, to be employed and governed according to the rules, regulations and orders of the House:

Indigent.

1. All poor and indigent persons who are incapable of supporting themselves;

Idle.

2. All persons without means of maintaining themselves and able of body to work and who refuse or neglect so to do;

Lewd.

3. All persons leading a lewd, dissolute, or vagrant life, and exercising no ordinary calling, or lawful business sufficient to gain or procure an honest living;

Frequenters of Public Houses.

4. And all such as spend their time and property in public houses, to the neglect of any lawful calling;

5. And Idiots.

Punishment of refractory inmates.

395. Every person committed to the House of Industry or of Refuge, if fit and able, shall be kept diligently employed at labour during his continuance there; and in case any such person is idle and does not perform such reasonable task or labour as may be assigned, or is stubborn, disobedient or disorderly, such person shall be punished according to the rules and regulations of the House of Industry or of Refuge in that behalf.

Inspectors to keep and render accounts of Expenses, &c.

396. The Inspectors shall keep an account of the charges of erecting, keeping, upholding and maintaining the House of Industry or of Refuge, and of all materials found and furnished therefor, together with the names of the persons received into the House, as well as of those discharged therefrom, and also of the earnings, and such account shall be rendered to the County Council every year, or oftener when required by a By-law of the Council, and a copy thereof shall be presented to each Branch of the Legislature.

WORK-HOUSES.

397. The Council of every City and Town may respectively pass By-laws:

Work-houses in Cities and Towns and Houses of Correction.

1. For erecting and establishing within the City or Town, or on such Industrial farm, or on any ground held by the corporation for public exhibitions, a work-house or house of correction, and for regulating the government thereof;

Who liable to be committed thereto.

2. For committing or sending, with or without hard labour, to the work-house or house of correction, or to the Industrial farm, by the Mayor, Recorder, Police Magistrate or two Justices of the Peace for the City or Town respectively, such description of persons as may by the Council be deemed and by By-law be declared expedient; and such farm or ground held as aforesaid, shall, for the purposes in this sub-section mentioned, be deemed to be within the City or Town and the jurisdiction thereof.

THE CARE OF GAOLS AND COURT HOUSES, &c.

Custody of Gaols and Court Houses.

398. The Sheriff shall have the care of the County Gaol, Gaol offices and yard, and Gaoler's apartments, and the appointment of the keepers thereof.

County Council to appoint keepers, &c.

399. The County Council shall have the care of the Court House and of all offices and rooms connected therewith, whether the same forms a separate building or is connected with the Gaol, and shall have the appointment of the keepers thereof; and shall from time to time provide all necessary and proper accommodation for the Courts of Justice other than the Division Courts and for all officers connected with such Courts.

City Gaols to be regulated by By-law.

400. In any City not being a separate County for all purposes, but having a Gaol or Court House separate from the County Gaol or Court House, the care of such City Gaol or Court House shall be regulated by the By-laws of the City Council.

FALSE DECLARATIONS.

Wilful statement to be a perjury.

401. The wilful making of any false statement in any declaration required or authorized by this Act, shall be a misdemeanor punishable as wilful and corrupt perjury.

INTERPRETATION CLAUSE.

Interpretation of words.

402. Unless otherwise declared or indicated by the context, whenever any of the following words occur in this Act, the meanings hereinafter expressed, attach to the same, namely:

Municipality.

1. The word "Municipality" means any locality the inhabitants of which are incorporated under this Act, but it does not mean a Police Village;

Council.

2. The word "Council" means the Municipal Council or Provisional Municipal Council, *as the case may be;*

County.

3. The word "County" means County, Union of Counties or United Counties, or Provisional County, *as the case may be;*

Township.

4. The word "Township" means Township, Union of Townships or United Townships, *as the case may be;*

Land, Real estate.

5. The words "Land" "Lands," "Real Estate" "Real Property," respectively, include lands, tenements and hereditaments and all rights therein and interests therein;

Highway, roads, &c.

6. The words "Highway," "Road" or "Bridge," mean respectively a Public Highway, Road or Bridge;

Electors. 7. The word "Electors" means the persons entitled for the time being to vote at Municipal Elections in the Municipality, Ward, or Electoral Division or Police Village, *as the case may be;*

Town Reeve. 8. The term "Reeve" includes the Deputy Reeve when there is a Deputy Reeve for the Municipality;

Next day. 9. The words "next day" are not to apply to or include Sunday or Statutory Holydays.

REPEALING CLAUSE.

Repeal of— **403.** From the first day of December, one thousand eight hundred and fifty-eight, the following Acts and parts of Acts are hereby repealed, namely:

1 V. c. 21, ss. 32, 33, 34. The thirty-second, thirty-third and thirty-fourth sections of the Act of Upper Canada, passed in the first year of Her Majesty's Reign, chapter twenty-one, for regulating the appointment and duties of Township Officers;

12 V. c. 81. The Upper Canada Municipal Corporations Act of 1849;

13, 14 V. c. 74. The Upper Canada Municipal Corporations Law Amendment Act of 1850;

Exception. Except so much of the Schedules in either of the two last mentioned Acts as define the limits or boundaries of any Cities or Towns, being Schedule B of the Act of 1849, numbers two, three, four, six, seven, eight, nine, ten and eleven, and Schedule C of the same Act numbers one, two and three, and Schedule B of the Act of 1850, numbers one, five, twelve, thirteen, fourteen and fifteen.

Further exception. And excepting also so much of Schedule A of the Act of 1849, as relates to Amherstburg, and excepting also so much of the two hundred and third section of the last mentioned Act, and so much of any other sections of either of the said Acts relating to any of the Schedules thereof as have been acted upon or as are in force and remain to be acted upon at the time this Act takes effect.

14 and 15 V. c. 109. The Upper Canada Municipal Corporations Law Amendment Act of 1851;

14 and 15 V. c. 124. The Act passed on the thirtieth August, one thousand eight hundred and fifty-one, to enable Municipal Corporations in Upper Canada, to contract Debts to the Crown in the purchase of Public Works without imposing a Special Rate or Tax for the payment of the same;

The

The Act passed on the tenth November, one thousand eight hundred and fifty-two, to enable the Township of Stamford to make By-laws for the better government of that part of the said Township which lies in the immediate vicinity of the Falls of Niagara; 16 V. c. 35.

The Upper Canada Municipal Corporations Law Amendment Act of 1853; 16 V. c. 181.

The fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second and twenty-third sections of the Act passed on the thirtieth day of May, one thousand eight hundred and forty-nine, chapter seventy-eight, for abolishing the Territorial Division of Upper Canada into Districts, and for providing for Unions of Counties for judicial and other purposes, and for the dissolution thereof; 12 V. c. 78. Certain sections of.

The Act passed on the thirtieth day of May, one thousand eight hundred and forty-nine, chapter seventy-nine, to supply provisions not included in the Statutes passed in the eleventh year of Her Majesty's Reign, chapter thirty-nine, and in the twelfth year of Her Majesty's Reign, chapter seventy-eight; 12 V. c. 79.

The fifteenth section of the Act passed on the seventeenth day of March, one thousand eight hundred and forty-five, chapter twenty, for the regulation of Line Fences and Water Courses in Upper Canada; 8 V. c. 20, s. 15.

The Act passed on the eighteenth day of May, one thousand eight hundred and forty-six, chapter eight, to prevent the opening of Government Allowances for Roads, without an order from the District Council; 9 V. c. 8.

The Act passed on the tenth day of August, one thousand eight hundred and fifty, chapter sixty-five, to amend the Laws relative to Tavern Licenses in Upper Canada; 13 and 14 V. c. 65.

The Act passed on the thirtieth day of August, one thousand eight hundred and fifty-one, chapter one hundred and twenty, to explain and amend the last above mentioned Act; 14 and 15 V. c. 120.

The Act passed on the fourteenth day of June, one thousand eight hundred and fifty-three, chapter one hundred and eighty-four, to repeal certain duties of Excise, and to vest certain powers in the Municipal authorities in Upper Canada; 16 V. c. 184.

The

13 and 14 V. c. 15. The Act passed on the tenth day of August, one thousand eight hundred and fifty, chapter fifteen, providing for the repair of Roads and Bridges within the limits of Incorporated Cities and Towns;

18 V. c. 133. The Act passed on the thirtieth day of May, one thousand eight hundred and fifty-five, chapter one hundred and thirty-three, to require By-laws of City, Town, Village or Township Councils for raising money on the credit thereof, to be approved by a majority of the electors before coming into force;

18 V. c. 134. The Act passed on the same day, chapter one hundred and thirty-four, to amend the Act of the previous Session, relative to certain duties of Excise in Upper Canada;

10 and 11 V. c. 41, ss. 3, 5, 6. The third, fifth and sixth sections of the Act passed on the twenty-eighth day of July, one thousand eight hundred and forty-seven, chapter forty-one, to establish Lock-up-Houses in the unincorporated Towns and Villages of Canada West;

7 W. 4. c. 24. The Act of Upper Canada passed in the seventh year of the reign of King William the Fourth, chapter twenty-four, for the erection and maintenance of Houses of Industry;

14 and 15 V. c. 117. The Act passed on the thirtieth day of August, one thousand eight hundred and fifty-one, chapter one hundred and seventeen, to authorize the payment of certain expenses of the administration of Justice in the Recorder's Court in Upper Canada, out of the Consolidated Revenue Fund of the Province;

18 V. c. 80. The Act passed on the nineteenth day of May, one thousand eight hundred and fifty-five, chapter eighty, to facilitate the negotiation of Municipal Debentures;

20 V. c. 6. The Act passed on the twenty-seventh of May, one thousand eight hundred and fifty-seven, chapter six, to amend the Municipal and Assessment Acts of Upper Canada, in so far as they relate to the commutation of statute labour;

20 V. c. 67. The Act passed on the tenth of June in the same year, chapter sixty-seven, to amend the Municipal Law relating to Incorporation of Villages;

20 V. c. 68. The Act passed on the same day, chapter sixty-eight, to enable Counties, united for Municipal purposes, to carry on improvements independently of each other;

20 V. c. 69. The Act passed on the same day, chapter sixty-nine, to provide for the disposal of road allowances in the rural Municipalities of Upper Canada;

The

The Act passed on the same day, chapter seventy, to amend the law relative to houses of public entertainment ; 20 V. c. 70.

* * *

Also the following Acts and parts of Acts of Upper Canada,— Section 14 of 32 Geo. 3, c. 8,—33 Geo. 3, c. 13,—Sections 12 and 35 of 50 Geo. 3, c. 1,—2 Geo. 4, c. 8,—and 4 W. 4, c. 18. Divers Acts.

404. No Acts or parts of any Acts repealed by any of the above repealed Acts shall be revived, but all such Acts shall continue repealed, and nothing in this repealing clause contained shall affect any statute not herein mentioned or any proclamation by or under which Cities and other Municipalities have been erected so far as respects the continuing of the same and the boundaries thereof. Acts formerly repealed to continue repealed.

CONFIRMING AND SAVING CLAUSES.

405. The Head and Members of the Council, and the Officers By-laws, Contracts, Property, Assets and Liabilities of every Municipal Corporation, and the Trustees of every Police Village existing when this Act takes effect, shall be deemed the Head and Members of the Council, and the Officers, By-laws, Contracts, Property, Assets and Liabilities of such Corporation and the Trustees of such Police Village as continued under and subject to the provisions of this Act. Heads, Officers, By-laws &c. continued.

406. All proceedings on behalf of or against any existing Municipal Corporation, or Police Trustees pending when this Act takes effect, shall be continued under this Act, in the name in which the same are then pending. Pending proceedings to continue.

407. All things heretofore done under the enactments hereby repealed, are confirmed, except any matter which has been, or within one year after the passing of this Act, may be made the subject of proceedings at law or in equity. Past transactions confirmed.

408. All offences, neglects, fines, penalties, moneys, debts and other matters and things which immediately before this Act goes into effect might have been prosecuted, punished, enforced or recovered under the Acts or parts of Acts hereby repealed, may be prosecuted, punished, enforced or recovered under this Act, in the same manner, within the same time, and in the same name, and by the same process and proceedings, as if the same respectively had been committed or incurred or had accrued or become due or payable after the taking effect of this Act. Previous offences may be prosecuted in the new Corporation name.

DECLARATORY

DECLARATORY CLAUSE.

Declaration of effect of Municipal Acts as to power to impose statute labour.

409. And whereas doubts have arisen as to the power heretofore of incorporated Towns and Villages, when set apart from the Township or Townships in which the same are situate, to assess or impose statute labor in the same manner as Townships have been authorized: To remove such doubts, *it* is declared that the several Acts of the twelfth of Victoria chapter eighty-one, thirteenth and fourteenth of Victoria chapter sixty-four, and sixteenth of Victoria chapters one hundred and eighty-one and one hundred and eighty-two, gave such and the same powers to Incorporated Towns and Villages, when set apart from the Township or Townships in which the same are situate, in respect to the assessment and imposition of statute labor, as are in and by the said Acts respectively conferred on Townships.

Act limited to Upper Canada.

410. This Act shall apply to Upper Canada only.

CAP. C.

An Act to amend and consolidate the Jury Laws of Upper Canada.

[*Assented to 16th August*, 1858.]

Preamble.

WHEREAS it is expedient to amend and consolidate the various Acts relative to the mode of Selecting Jurors in Upper Canada, the performance of their duties and the remuneration to be by them received, with a view to reduce the expense attending the present system and to obtain a better class of Jurors than are now obtained: Therefore Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

INTERPRETATION.

Interpretation clause.

1. The word "County," whenever it occurs in this Act, shall include and apply to "Unions of Counties" for Judicial purposes, and the word "Township" shall include and apply to "Unions of Townships."

ISSUES OF FACT TO BE TRIED BY JURY.

Issues of fact to be tried by a Jury, unless otherwise provided.

2. All issues of fact now or hereafter joined in any action, real, personal or mixed, brought in any of Her Majesty's Courts of Justice within Upper Canada, and the assessment or inquiry of damages in any such action the trial or assessment of which is not otherwise provided for, shall be tried and determined or assessed and inquired of by the unanimous verdict of twelve Jurors, duly sworn for the trial of such issue or issues, or for the assessment or inquiry of such damages; and the said Jurors may bring in a special verdict upon the trial of any such issue.

11.—

II.—QUALIFICATIONS, EXEMPTIONS AND DISQUALIFICATIONS OF JURORS.

Who shall be qualified as a juror.

3. Unless exempted, every person residing in any County, City, or other local judicial division in Upper Canada, who is over the age of twenty-one years, and in the possession of his natural faculties and not infirm or decrepit, and who is assessed for local purposes upon property, real or personal, belonging to him in his own right or in that of his wife, to the amount hereinafter mentioned, shall be qualified and liable to serve as a Juror both on Grand and Petit Juries in Her Majesty's Superior Courts of Common Law at Toronto having General Criminal or Civil Jurisdiction throughout Upper Canada, and in all Courts of Civil or Criminal Jurisdiction within the County, City, or other local judicial division of the County in which he resides.

Parting with property after assessment not to disqualify.

4. No person enrolled as a Juror in respect of property of which he was at the time seized or possessed shall be disqualified or exempted from serving as such Juror in consequence of his having ceased to be seized or possessed of such property between the time of enrollment and of his being called upon to serve as such Juror, nor shall the same form any ground of challenge to such Juror.

Joint proprietors to be deemed equally interested.

5. Whenever property is assessed on the assessment-roll of any Township, Village or Urban Ward, as the property of two or more persons jointly, the Selectors of Jurors to whom it belongs to extract from such roll the names thereon of those qualified and liable to serve as Jurors, may, and if they have the requisite information as to the names of the parties to enable them to do so, shall, in making such extract, and for all the purposes of this Act, treat such property as if it belonged to such persons in equal proportions, and such Selectors shall treat each of such persons as respects his qualification and liability to serve as a Juror as if he had been severally assessed for such equal proportion of such property.

Property qualifications.

6. The amount of property in respect of which a person is qualified and liable to serve as a Juror shall, by the Selectors for each Township, Village or Urban Ward, be determined by the *relative* amount of property for which the person is assessed on the assessment-roll of the Township, Village or Ward of which he is a resident inhabitant at the time of the annual selection of Jurors, and the mode for ascertaining the same shall be as follows, that is to say: The names of one half of the assessed resident inhabitants of the Township, Village or Urban Ward which shall remain after striking from the said Roll the names of all persons entirely freed and exempt or disqualified from serving as Grand or Petit Jurors, under any of the provisions of this Act, shall be copied from the assessment-roll of such Township, Village or Ward, commencing with the name of the person rated at the highest amount on such roll and proceeding successively towards

Mode of ascertaining such qualification.

towards the name of the person rated at the lowest amount, until the names of one half of the persons assessed upon such roll have been copied from the same; and the amount for which the last of such persons is assessed upon the said roll, shall be that which qualifies every resident inhabitant of such Township, Village or Urban Ward, and renders him liable to serve as such Juror.

Persons exempted from serving as Jurors; and not to be inserted on the Rolls.

7. The following persons are hereby absolutely freed and exempted from being returned and from serving as either Grand or Petit Jurors in any of the Courts, and shall not be inserted in the Rolls to be prepared and reported by the Selectors of Jurors as hereinafter mentioned:

1. Every person upwards of sixty years of age;

2. Every member of the Executive Council of this Province;

3. The Secretary of the Governor, and

4. Every officer and other person in the service of the Governor for the time being;

5. Every officer of the Provincial Government, and

6. Every clerk and servant belonging to either House of the Provincial Parliament, or to the Public Departments of the Province;

7. Every Inspector of Prisons;

8. The Warden of the Provincial Penitentiary; and

9. Every officer and servant of the said Penitentiary;

10. Every Judge of a Court having general jurisdiction throughout Upper Canada;

11. Every Judge of a County Court; and

12. Every Judge of any other Court except the Quarter Sessions of the Peace, having jurisdiction throughout any County or City in Upper Canada;

13. Every Sheriff, Coroner, Gaoler and Keeper of a House of Correction or Lock-up-House;

14. Every Priest, Clergyman and Minister of the Gospel, recognized by law, to whatever denomination of Christian he may belong;

15. Every member of the Law Society of Upper Canada actually engaged in the pursuit or practice of his profession, whether as a Barrister or Student;

16. Every Attorney, Solicitor and Proctor actually practising;

17. Every Officer of any Court of Justice whether of general, County, City, or other local jurisdiction, actually exercising the duties of his offices;

16

18. Every Physician, Surgeon and Apothecary actually practising;

19. Every Officer in Her Majesty's Army or Navy on full pay;

20. Every Pilot and Seaman actually engaged in the pursuit of his calling;

21. Every Officer of the Post Office, Customs, and Excise;

22. Every Sheriff's Officer and Constable;

23. Every County, Township, City, Town and Village, Treasurer and Clerk;

24. Every Collector and Assessor;

25. Every Professor, Master and Teacher of any University, College, County Grammar School, Common School or other School or Seminary of learning, actually engaged in performing the duties of such appointment;

26. Every officer and servant of any such University, College, School or Seminary of learning, actually exercising the duty of his office or employment;

27. Every Editor, Reporter and Printer of any public Newspaper or Journal actually engaged in such employment or occupation;

28. Every person actually employed in the management and working of any Railway;

29. Every Telegraph Operator;

30. Every Miller;

31. Every Fireman belonging to any regular Fire Company;

Provided, as regards Firemen, that they shall not be exempt from serving as Jurors, unless the Captain or other Officer of the Fire Company shall, at least five days before the time appointed for the selection of Jurors, notify the Clerk of the Municipality of the names of the Firemen belonging to his Company, residing within such Municipality, and claiming such exemption for such Firemen. Proviso as to Firemen.

8. Every Member of the Legislative Council or of the Legislative Assembly of this Province,—every Warden and every Member of any County Council,—every Mayor, Reeve or Deputy Reeve of any City, Town, Township or Village,—every Justice of the Peace, and every other Member and Officer of any Municipal Corporation, is hereby absolutely freed and exempted from being selected by the Selectors of Jurors hereinafter mentioned to serve as a Grand or Petit Juror in Her Majesty's Inferior Courts, and none of the names of any such persons shall be inserted in the rolls from which Jurors are to be taken for such purposes, and Members of the Legislature and certain municipal functionaries exempted from serving at certain Courts.

if any such name is at any time accidentally i
such roll, it shall, if drawn in selecting any Jury
any Panel therefrom, be set aside and not insert
every such person is moreover absolutely freed
from being returned upon any General Precep
Petit Juror at any Sessions of Assize or *Nisi P*
Terminer or Gaol Delivery, and the name of a
if drawn in drafting such panel, shall be set
inserted in the same.

Exemptions arising from having actually served as a juror within a certain time previously.

9. Every person whose name had been i
of the Jury Lists for the year next before th
name is again drawn in any of such Lists, or
year within the Rule of Exemption hereby e
who had duly served on some Panel returned
Precept from such Jury List, until disch
Court to which such Panel was returned, shall
having his name inserted in any such list for
year within such rule of exemption, that is to sa
Roll from which such name is drawn contains a
ber of names to make two complete Jury Lists o
tion of such Jurors' Roll, and if it appears by t
of the preceding year that the name of such
serted in any of the Jury Lists for that yea
duly attended and served upon any suc
name of such person shall not be inserted in
and if there is a sufficient number of names
Roll to make three such complete Jury Lists,
by the Jurors' Books of either of the two prec
his name was inserted in any of such Jury L
such years, and that he duly attended and ser
for either of such years, the name of such per
inserted, and so on, *toties quoties*, allowing
year's exemption for each complete addition
such Jurors' Roll furnishes as aforesaid.

Services as a City juror not to exempt as a County juror, and *vice versâ*.

10. Service as a Juror upon any Panel
Sheriff of a County, shall not exempt the per
serving as a Juror upon any Panel returned by
or other proper Officer of a City embraced with
such Sheriff, though within the period of exem
for by the last preceding section, nor shall a
upon any Panel returned by the High Bailiff
Officer of any City having a Recorder's Court e
same, exempt the person who so served, from a
a Juror upon any Panel returned to any of the
of Criminal or Civil Jurisdiction, by the Sheriff
within the limits of which such City is emb
Jury Lists for such Superior Courts for such
such City respectively, shall be selected with
being had to any such service, but the inhabita
City shall be exempt from serving on Juries at

Citizens exempted from serving, ex-

the City Courts, or on trials at the Bar of either of Her Majesty's Superior Courts of Common Law at Toronto, or upon trials ordered by the Court of Chancery, or at the Courts of Assize and *Nisi Prius*, Oyer and Terminer, and General Gaol Delivery for the County within the limits of which such City is situate. cept at certain Courts.

11. Except only in the cases hereinafter expressly provided for, no man not being a natural-born or naturalized subject of Her Majesty, is qualified to serve as a Grand or Petit Juror in any of the Courts aforesaid on any occasion whatever. Aliens disqualified. Exception.

12. No man attainted of any Treason or Felony, or convicted of any crime that is infamous, unless he has obtained a free pardon, nor any man who is under outlawry, is qualified to serve as a Grand or Petit Juror in any of the said Courts on any occasion whatsoever. Attainted persons disqualified.

III.—SELECTION AND DISTRIBUTION OF JURORS FROM THE ASSESSMENT-ROLL.

13. The Mayor or Reeve, the City, Town, Village or Township Clerk, and the Assessor or Assessors, if there be more than one, of the respective Cities, Towns, Villages and Townships in Upper Canada, shall be *ex officio* the first Selectors of Jurors for every Township and Village, and for each Ward of every such City or Town. Certain municipal functionaries to be selectors of jurors.

14. The Selectors shall assemble annually on the first day of September, or if a Sunday or Statutory Holiday, then on the first day thereafter not being such Holiday, at the place where the Meetings of the Municipal Council of such City, Town, Village or Township are usually held, or at such other place within the Municipality as may for that purpose be appointed by the Head of such Municipal Corporation, or during his absence, or the vacancy of the Office, by the Clerk thereof, for the purpose of selecting from the Assessment-Rolls of such City, Town, Village or Township, the names of the persons qualified and liable to serve as Jurors under this Act. When the selection shall be made; And where.

15. The Selectors shall select such persons as in the opinion of the Selectors, or of a majority of them, are from the integrity of their characters, the soundness of their judgments, and the extent of their information, the most discreet and competent for the performance of the duties of Jurors. Principles by which the selectors are to be governed.

16. The City, Town, Village or Township Clerk, or the Assessor or Assessors, or the other officer or person who has the actual charge or custody of the Assessment-Rolls for any City, Town, Village or Township for the year, shall, at the time aforesaid, bring such Assessment Rolls to the annual meeting of the Selectors of Jurors for such City, Town, Village or Township, and permit the use of the same for the purpose aforesaid. The Clerks of Councils to produce assessment-rolls, &c.

Meeting of selectors.

17. Such Selectors shall annually, on the said first day of September, or if they have been unable to complete the duty hereby imposed upon them on such first day, then on the first day next thereafter not being a Sunday or Statutory Holiday, proceed to select the names from such Rolls, and shall, before entering upon the performance of their duties, severally make and subscribe an oath or affirmation in the form following:

Selectors to be sworn.

The oath.

" I, A. B., do swear (*or* affirm, *as the case may be*), that I will " truly, faithfully and impartially, without fear, favour or affec- " tion, and to the best of my knowledge and ability, perform the " duty of a Selector of Jurors, and will select from the proper " lists the requisite number of the most fit and proper persons to " serve as Jurors for the year of Our Lord, one thousand eight " hundred and . So help me God."

" Sworn (*or* affirmed) before me, at , the day of " 18 ."

(Signed,) C. D.

J. P.

(Signed,) A. B.

How administered.

Which oath or affirmation any Justice of the Peace may (within his jurisdiction) administer.

How selection to be made.

18. The Selectors shall select from those qualified to serve on Juries, at least two thirds of the persons whose names appear on the said Rolls.

In case of an equality of votes among the selectors, who to have the casting vote.

19. In case of an equality of votes amongst such Selectors as to any one or more of the names to be so selected, or as to the Division of the Report of such Selectors in which any such name should be inserted in the distribution of such names as hereinafter provided, or as to any other incidental question which may arise, the Mayor or Townreeve, or in case of his absence or the vacancy of the office, the City, Town, Village or Township Clerk, or in the absence or vacancy of the offices of both, then the Assessor whose Roll for the year contains the greatest number of assessed names, and in the case of joint Assessors, the Assessor first named in the appointment of such Assessors, shall have a casting or double vote in the decision of the question.

Proper number of jurors to be taken by ballot, and how.

20. The said Selectors shall then prepare a set of Ballots or pieces of Parchment, Card or Paper of uniform and convenient size, containing the same number of ballots as there are names selected, allowing one name to each ballot printed or written on the same, and shall then proceed to ballot for Jurors one half of the persons whose names shall have been so selected as hereinbefore mentioned.

The

The manner of ballotting shall be as follows, that is to say : Mode of ballotting.

1. The Selectors, or one of them, shall place the Ballots promiscuously in a Box or Urn to be procured by them for that purpose, and shall cause such Box or Urn to be shaken so as sufficiently to mix the ballots, and then openly draw from the said Box or Urn indiscriminately, one of said Ballots, and declare openly the name on such ballot, whereupon the Clerk, or one of the Selectors present, shall immediately declare aloud the name of the person thus balloted ;

2. And thereupon the name and addition of the person whose name has been so selected, shall be written down on a sheet of paper provided for that purpose ;

3. Which being done, the Selectors shall proceed in like manner to ballot and dispose of other numbers from the said Box or Urn, until the necessary number has been completed.

21. The Selectors having made such Selection and Ballot shall, for the purpose of the Report thereof, distribute the names of the persons so ballotted from each Roll into four divisions ; the first, consisting of persons to serve as Grand Jurors in the Superior Courts ; the second, of persons to serve as Grand Jurors in the Inferior Courts ; the third, of persons to serve as Petit Jurors in the Superior Courts, including the Court of Chancery, and the fourth, of persons to serve as Petit Jurors in the Inferior Courts, and shall make such distribution according to the best of their judgment, with a view to the relative competency of the parties to discharge the duties required of them respectively. Jurors to be distributed into four divisions. Grand Jurors. Petit Jurors.

Provided that the said Selectors shall make such distribution among the said four divisions as nearly as may be in the following proportions relatively to the whole number of persons so selected by them from each of such Rolls for that purpose, as aforesaid, that is to say : one twelfth as nearly as may be under the first of such divisions, two twelfths as nearly as may be under the second of such divisions, three twelfths as nearly as may be under the third of such divisions, and six twelfths as nearly as may be under the fourth of such divisions. Proportionate number in each division.

22. The said Selectors of Jurors respectively shall thereupon :

1. Make out in duplicate under their hands and seals, or under the hands and seals of such of them as perform the duty, a report of their Selection, Ballot and Distribution for the Township, or Village or Urban Ward, as the case may be, which Report shall be as nearly as may be in the form set forth in the Schedule to this Act, marked A, and be filled up agreeably to the directions contained in the notes to such Schedule ; Selectors to make out a duplicate report, &c.

2.

Declaration to be subjoined to the report.

2. There shall be subjoined to each duplic written declaration subscribed by the Selectors, for himself, that he had respectively made the Sel and Distribution to the best of his judgment an pursuant to this Act, and without fear, favour or a or for any person or persons whomsoever, gain, re thereof, other than such fees as they are lawfully ceive for the same under the authority of this Ac

A duplicate report shall be deposited with Clerks of the Peace.

3. One of such Duplicate Reports shall, on or befo day of the same month of September, be depos Selectors with the Clerk of the Peace for the Cou the Town, Village or Township lies, or within which such City is embraced; and the other dupli City, Town, Village or Township Clerk, as the c

Who shall keep the same on file.

4. And such Clerks respectively, shall keep s reports on file in their respective offices for the use tion of all who may have lawful occasion to exa use of the same; and

In case of loss, a copy of such duplicate report to be filed.

5. In case of the loss or destruction of any Dup Selectors' Report, the Officer in whose office t when so lost or destroyed, shall, as soon as reaso procure from the Officer to whom the legal custo Duplicate Original of such Report belongs, a of such Duplicate Report, and file the same in hi of the Duplicate original, and such certified thenceforth taken, received and acted upon in if it were the Duplicate Original Report so lost o

IV.—JURORS' BOOK AND SECOND SELE JURORS.

Clerk of the Peace to prepare jurors' books in form of Schedule B;

23. The Clerk of the Peace for every annually procure a Book and keep the same as be in the Form set forth in the Schedule to thi B, and agreeably to the directions contained in such Schedule, and such book shall be called Book" for the County of which he is such Clerk and the year for which such Book is to be used, provided, shall be inserted therein.

In which shall be entered the names of grand and petit jurors.

24. Such Clerk shall, between the fifteenth d ber and the tenth day of November in each ye into such Book, from the Reports of the first Selec for the different Townships, Villages and Urban W like local divisions of his County, so made to year as aforesaid, or from such of them as have to him, on or before such fifteenth day of Septemb betical order, the names and additions of all perso serve as Grand or Petit Jurors, as the same are distributed in such Reports.

25. Such names shall be transcribed into the book in four *Rolls*: the first to be called "Roll of Grand Jurors to serve in Her Majesty's Superior Courts of Criminal Jurisdiction," the second, "Roll of Grand Jurors to serve in Her Majesty's Inferior Courts of Criminal Jurisdiction," the third, "Roll of Petit Jurors to serve in Her Majesty's Superior Courts of Criminal or Civil Jurisdiction and in the Court of Chancery," and the fourth, "Roll of Petit Jurors to serve in Her Majesty's Inferior Courts of Criminal or Civil Jurisdiction." Such book to contain four rolls of jurors.

26. In each of such Rolls shall be transcribed the names and additions of all persons by the Selectors selected, ballotted and reported as aforesaid to serve as Jurors in each respective County. Names and additions of jurors.

27. The Clerk of the Peace shall, on or before the thirty-first day of December, cause a correct copy of such Jurors' Book, certified by him, to be a true copy of the original, to be made and deposited in the office of the Clerk or Deputy Clerk of the Crown and Pleas of Her Majesty's Court of Queen's Bench in the County, as the case may be, and from it, in the event of the loss or destruction of the original by fire or other accident, a duplicate original of such Jurors' Book shall be made, and being certified by the said Clerk or Deputy Clerk of the Crown and Pleas, to be truly copied from the copy deposited in his office, shall, upon such loss or destruction being established upon oath or affirmation before two or more Justices of the Peace of the County, be received and used on all occasions and for all purposes, as the original so lost or destroyed. Deposit of certified Jurors' book with the Clerk or Deputy Clerk of Crown of Q. B. in the County.

28. In every case of the destruction of any Original Jurors' Book, the Clerk of the Peace for the County shall, as soon as reasonably may be, procure a duplicate original of such book, certified as aforesaid, and deposit the same in his office as above provided. When copies therefrom to be procured and used.

29. In every such case the Clerk of the Peace shall, as soon as may be thereafter, give to the Sheriff or other Officer or Minister of the County to whom the return of Jury Process belongs, notice of such destruction, and of the procurement and deposit of such duplicate original in lieu thereof; Whereupon such Sheriff, Officer or Minister, shall furnish to such Clerk of the Peace copies of all Panels of Jurors drafted by such Sheriff or other Minister from the Jury Lists in such book; and such Clerk of the Peace shall thereupon enter such Panels in such duplicate Original Jurors' Book, in like manner as the same were entered in the said Original Jurors' Book. Notice to be given to the Sheriff, &c.

30. In every case in which a Proclamation issues, disuniting a Junior County from a Senior County or Union of Counties to take effect from and after the first day of January of the then following year, the Clerk of the Peace for the Union of When union of Counties dissolved, what shall be done by Clerk of the peace.

of Counties of which such Junior County is at the time a member, shall procure two of such Jurors' Books, one for the County or Counties from which such Junior County is to be so disunited, and the other for such Junior County itself.

How the jurors' names shall be arranged in the books and rolls.

31. Such Clerk shall transcribe into the former of such Books the names and additions of all persons selected for the different Townships, Villages and Urban Wards of such Senior County or Counties, and into the latter of such Books, the names and additions of all persons selected for the different Townships, and Urban Wards of such Junior County respectively.

Clerk of the peace to prepare books, &c.

32. In every such case the preparing of the Books, the selecting of the Jury Lists, and the performing of all other acts and things required by this Act to be done for such Junior County for such following year, shall be done and performed by the Clerk of the Peace and Court of General Quarter Sessions of the Peace for such original Union of Counties and by the Chairman and Officers thereof.

Clerk of the peace of senior County to deliver jurors' book to Clerk of the peace of junior County.

33. In every such case as soon as may be after the Jurors' Book for the Junior County has been completed and the Copies thereof made and deposited in the proper offices, the Clerk of the Peace of the original Union of Counties shall, on demand thereof, deliver the same to the Clerk of the Peace of the Junior County, who shall thereupon give him a receipt for such Book.

Treasurer of junior County to pay accounts therefor.

34. Upon such receipt being filed with the Treasurer of such Junior County, and upon the accounts of the Clerk of the Peace and Crier of the said Court of Quarter Sessions of such original Union of Counties for the services thus performed for such Junior County being verified, by affidavit before a Commissioner for taking affidavits for any of such Counties or the Union of which they may be members, the Treasurer of such Junior County shall pay the amount of such accounts out of the like moneys as are hereinafter provided with respect to the payment of similar accounts by the Treasurers of other Counties, and such payments shall in like manner be allowed in the accounts of such Treasurer.

How such jurors' rolls are to be divided.

35. Such Jurors' Rolls shall be each divided into Townships, Wards and Villages, or other like sub-divisions answering to the local divisions of the Counties, and of Cities and Towns embraced within the limits thereof, and such sub-divisions, and also the names within each sub-division respectively, shall be arranged alphabetically, and all the names in each of such Rolls thus arranged, shall be numbered with a series of current numbers from One forward.

How the rolls are to be certified.

36. To each of such Rolls in the Jurors' Book shall be subjoined a certificate from the Clerk of the Peace, who prepared the same, that he has carefully compared such Roll with

with the Reports made by the several Selectors of Jurors for the different Townships, Wards and Villages and other local divisions of the County or Union of Counties, and the Cities and Towns embraced within the limits of the same for the year, as such Reports remained on file in his office on the Fifteenth day of September in such year, and that such Roll contains a true and correct transcript of the names and additions of all persons so selected and reported to serve as Jurors as aforesaid.

V.-SELECTING JURY LISTS FROM JURORS' ROLLS.

Clerk of the Peace to bring Jurors' book into Q. S. (sitting the Court) yearly, and certify—

37. The Clerk of the Peace for each respective County shall, on the first day of the Court of General Quarter Sessions of the Peace for the County, held next after the tenth day of November in each year, bring into Court and publicly deliver to the Chairman of such Court *sedente curiâ*, the Jurors' Book so prepared by him as aforesaid for the then next year, together with the Jurors' Books for such and so many of the then next preceding years as may be required for proceeding with the selecting of the Jury Lists as hereinafter directed, and shall thereupon make oath in open Court :

That he has compared jurors' rolls.

1. That he has carefully compared the Jurors' Rolls in such first mentioned Jurors' Book with the Reports made by the several Selectors of Jurors for the several Townships, Villages and Urban Wards within the County, as the same remained on file in his office on the Fifteenth day of September preceding, and that to the best of his knowledge and belief the said Jurors' Rolls contain a true and correct transcript of the names and additions of all persons so selected, ballotted and reported by such Selectors of Jurors as aforesaid;

That the jurors' books are those remaining on file.

2. That the Jurors' Books secondly above mentioned are those remaining on file in his office for the years to which they purport respectively to belong, and that all entries in such last mentioned Books were truly and faithfully made therein, without fraud or collusion of any kind, and according to the very truth.

If the Clerk has been changed, the oath to be modified.

38. If such Clerk of the Peace has not been in office during all the time that such Jurors' Books have been on file in the office of the Clerk of the Peace for the County or Union of Counties, then, that all entries in such Books made during the time that he has been in office, have been truly and faithfully made therein, without fraud or collusion of any kind, and according to the very truth, and that he hath no reason but to believe, and doth therefore verily believe that all other entries made therein prior to his appointment, were in like manner truly and faithfully made therein as aforesaid.

The oath to be modified also when the books are brought in for the first time

39. On the first occasion of bringing into Court a Jurors' Book for any County or Union of Counties, or for any City, there being no Jurors' Book for any preceding year for such County, Union of Counties or City, the oath to be made by the Clerk of the Peace or Clerk of the Recorder's Court respectively, shall be modified so as to be adapted to such circumstances.

If the Clerk for the time being suspects previous errors or fraud, he is to state the same.

40. If any Clerk of the Peace or Clerk of the Recorder's Court is unable to make the oath required by the thirty-eighth section of this Act, as to the Entries made in any of such Jurors' Books previous to the time of such Book coming into his custody, or has reason to suspect that any original entries in any of such Books have, after their original completion, been erased, mutilated or altered, he shall, in lieu of that part of the said oath, make oath that, as to such entries, he is unable to speak, but that from circumstances which have come to his knowledge, or of which he has been informed, he has reason to doubt the correctness thereof, or of some parts thereof, or has reason to suspect that some of the original entries in some of such Books have been erased, mutilated or altered, as the case may be.

The Quarter Sessions shall inquire into the matter.

41. In every case in which the Clerk of the Peace has made an affidavit in the terms of the last preceding section of this Act, the Court of Quarter Sessions shall, immediately after the selection has been completed, either on the same or some subsequent day, examine and inquire, by the oath of such persons as may be informed thereof, into such supposed incorrect entries, erasure, mutilations or alterations, their nature and extent, and by whom, when and for what purpose they were made, and shall punish the parties who are found to have made such incorrect entries, erasures, mutilations or alterations, by fine or imprisonment in their discretion, and shall cause such incorrect entries, erasures, mutilations or alterations to be rectified, and such Books restored to their original state as nearly as may be, according to the best information they have been able to obtain of or concerning the same.

The receipt of the books, &c., to be certified by the Chairman.

42. The Chairman of such Court shall thereupon certify, under his hand and seal in such Books respectively, the receipt of such Books and the oath or affirmation upon which the same have been received, and a remembrance of the same shall, by the proper officer, be also made in the minutes of such Court.

The Court shall determine the number of Jurors to be selected.

List.

43. The Court shall then proceed to consider and resolve with reference to the probable amount of judicial business to be disposed of through the instrumentality of the Jurors to be selected on that occasion, and the whole number of Jurors from whom the selection is to be had, whether it is most expedient upon such occasion to select a full Jury List, a two-third Jury List or a half

ace shall then openly and audibly call lace of residence of the person first rand Jurors for the Superior Courts, oll, and each successive Roll of Grand Courts in which they are respectively

Clerk of the Peace to call over the names on the several Rolls.

e to the Jurors' Book of preceding nd regard being had to the number of appears that such person is exempt erted in such Jury List, on the ground rted in some one of the Jury Lists, fficiently recent to entitle him to such having duly served on some Panel mentioned Jury List under a general such Court shall publicly announce person is on that account exempted year accordingly;

If exempt by reason of former service, what to be done.

he Peace shall thereupon note in the ar, opposite the name of such person, from serving as having served on one ry Lists for such a year, stating the

Exemption to be noted.

found not entitled to such exemption, on of such person shall be again openly of the Peace as being proposed to be nd Juror for the Superior Courts; and upon put the question to the other ll this name be selected for the Grand urts?" And if determined in the affir- majority of the Selectors present, the eupon make enquiry whether any one why the name of such person should ry List for which he has been so

If not exempt on that ground.

Question to be put as to each name, and objection heard.

party himself in person or by his in the absence of Counsel, by his imony of witnesses, or if any other n or by the testimony of witnesses, e person whose name has been so or disqualified from serving as a Grand been so called, such person's name ach Jury List for such next year;

If exempt on other grounds, to be noted accordingly.

he name of the person so objecting, and es upon whose testimony such name e Clerk of the Peace, be stated in the Court, and a short note of the cause of proper Jurors' Roll opposite the name

And the grounds of exemption.

Counties, or any three of them, shall be *ex officio* Selectors of Jurors from the Jurors' Rolls within their respective Counties.

How the selection shall be conducted.

50. Immediately after a resolution has been so adopted affirming the expediency of selecting a full or a two-third or a half Jury List as aforesaid, or if it is the unanimous opinion of all the Justices then present that the selecting should be proceeded with at an adjourned sitting of such Court, then on the day to which such selecting may be adjourned, such Selectors shall attend and shall, before entering upon the performance of their duties, severally make and subscribe an oath or affirmation in the form following:

Selectors to be sworn.

The oath.

"I, A. B., do swear (*or* affirm, *as the case may be*), that I will "truly, faithfully and impartially, without fear, favor or affec- "tion, and to the best of my knowledge and ability, perform "the duty of a Selector of Jurors, and will select from the "proper lists the requisite number of the most fit and proper "persons to serve as Jurors for the year of Our Lord one "thousand eight hundred and . So help me God."

"Sworn (*or* affirmed) before me, at , the "day of , 18 ."

(Signed) C. D.

J. P.

(Signed) A. B.

How administered and recorded.

Which oath or affirmation any Justice of the Peace may (within his jurisdiction) administer, and shall cause an entry thereof to be forthwith made in the minutes of the Court of Quarter Sessions in the presence of the Chairman presiding at such Court: and the Selectors having been duly sworn, the said Court shall cause proclamation to be made, *firstly*, for all persons to keep silence while the names of the persons to serve as Jurors for the next year for such County or Union of Counties (and City if there is one having a Recorder's Court established therein within the limits of such County or Union of Counties,) are openly selected from the Jurors' Rolls; and *secondly*, that if any one can inform the selectors why the name of any person which may be called upon such selection should not be inserted in the Jury List for which it may be called, he is to come forth and he will be heard.

Silence to be proclaimed.

And notice given that objections to Jurors will be heard.

Selectors to proceed to the selection.

51. The last mentioned Selectors of Jurors shall then proceed to select the names of the requisite number of persons from the Jurors' Rolls to serve as Jurors for such year, who, in their opinion, or a majority of them, are, from the integrity of their characters, the soundness of their Judgments and the extent of their information, the most discreet and competent for the performance of the duties of Jurors, and which selection shall be conducted in the following manner, that is to say:

1. The Clerk of the Peace shall then openly and audibly call aloud the name and place of residence of the person first named on the Roll of Grand Jurors for the Superior Courts, and so on through such Roll, and each successive Roll of Grand and Petit Jurors for the Courts in which they are respectively required to serve ; Clerk of the Peace to call over the names on the several Rolls.

2. And if by reference to the Jurors' Book of preceding years, or any of them, and regard being had to the number of names on such Roll, it appears that such person is exempt from having his name inserted in such Jury List, on the ground of its having been inserted in some one of the Jury Lists, for some former year sufficiently recent to entitle him to such exemption, and of his having duly served on some Panel returned from such last mentioned Jury List under a general precept, the Chairman of such Court shall publicly announce the same, and that such person is on that account exempted from serving for the next year accordingly ; If exempt by reason of former service, what to be done.

3. And the Clerk of the Peace shall thereupon note in the said Roll for such next year, opposite the name of such person, that he was exempted from serving as having served on one of the Grand or Petit Jury Lists for such a year, stating the List and the year ; Exemption to be noted.

4. But if such person is found not entitled to such exemption, then the name and addition of such person shall be again openly called aloud by the Clerk of the Peace as being proposed to be selected to serve as a Grand Juror for the Superior Courts ; and the Chairman shall thereupon put the question to the other Selectors present : " Shall this name be selected for the Grand Jury of the Superior Courts ?" And if determined in the affirmative by the whole or a majority of the Selectors present, the said Chairman shall thereupon make enquiry whether any one can inform the Selectors why the name of such person should not be inserted in the Jury List for which he has been so selected as aforesaid ; If not exempt on that ground. Question to be put as to each name, and objection heard.

5. Whereupon, if the party himself in person or by his Counsel, or his Attorney in the absence of Counsel, by his own oath or by the testimony of witnesses, or if any other person by his own oath or by the testimony of witnesses, satisfies the Court that the person whose name has been so selected is either exempt or disqualified from serving as a Grand Juror for which he has been so called, such person's name shall not be inserted in such Jury List for such next year ; If exempt on other grounds, to be noted accordingly.

6. And the cause with the name of the person so objecting, and the names of the witnesses upon whose testimony such name is set aside, shall, by the Clerk of the Peace, be stated in the Minute Book of such Court, and a short note of the cause of rejection be made on the proper Jurors' Roll opposite the name of such person ; And the grounds of exemption.

7.

If no objection is made—names to be inserted;

7. But if no such objection is made or established to the satisfaction of the Selectors, and they or a majority of them shall think fit, the names and additions at length, of such person shall, by the said Clerk of the Peace, be forthwith inserted in the Minute Book of the Court;

And so *toties quoties.*

8. Which being done, the said Selectors shall in like manner proceed to select and set aside, or pass, another name, and so on till they have transferred the required number of names from such Roll;

Names selected to be inserted in list.

9 After which the names so selected, with the places of residence and additions of the parties alphabetically arranged, shall by such Clerk of the Peace, be copied into the Jurors' Book with the title of "The Grand Jury List for the Superior Courts," and such List shall have a series of current numbers from one forward as is hereinbefore provided with respect to the Jurors' Rolls, and also a reference to the number of each name on the Roll of Grand Jurors for the Superior Courts;

Clerk of the Peace to enter names in the book.

10. And each of such names shall, by the said Clerk of the Peace, be thereupon marked on such last mentioned Roll as transferred to such Jury List, by a reference to the number belonging to such name on that List;

List so made to be the Grand Jury List for Superior Courts.

11. And such List so selected and transferred, shall be the Grand Jury List for the Superior Courts for the year next after the same has been so selected.

Grand jurors' List for Inferior Courts to be made in like manner.

12. After the said Grand Jury List for the Superior Courts has been so selected and transferred as aforesaid, the said Selectors shall in like manner proceed to select and transfer from the Roll of Jurors to serve as Grand Jurors in the said Inferior Courts, to a similar List in the same Book, to be called "The Grand Jury List for the Inferior Courts" for such next year, the required number of names from such Roll, which last mentioned List, so selected and transferred, shall be the Grand Jury List for the Inferior Courts for the year next after the same has been so selected as aforesaid.

And then Lists of Petit Jurors for Superior and Inferior Courts.

13. After which the Selectors shall in like manner proceed to select and transfer from the Roll of Jurors to serve as Petit Jurors in the said Superior Courts, the Petit Jury List for the Superior Courts for such year, and lastly from the Roll of Jurors to serve as Petit Jurors in the said Inferior Courts, the Petit Jury List for the Inferior Courts for such year.

The Chairman and Clerk of the Peace to certify books.

14. So soon as the four Jury Lists have been so selected and transferred, the Chairman and Clerk of the Peace shall certify under their hands in the said book, immediately after each of such Jury Lists, that the same was on such a day duly selected and transferred from the proper Roll in open Court

Court as the Law directs; whereupon such Jurors' Book, with the Jury Lists so certified, shall be deposited with the said Clerk of the Peace to be kept on file in his office.

If Chairman absent, presiding Justice to act.

55. All the duties by this Act required of the Chairman of the Quarter Sessions of the Peace, shall, and may in his absence, be performed by the presiding member of such Court for the time being.

If the Jury Lists are not so made at the time hereby appointed, the Governor may appoint another day for the purpose.

56. In case from any cause such lists or either of them are not selected pursuant to the provisions of this Act, in any County or City, the Governor may, by warrant under his privy Seal, of which a copy shall be published in the Official Gazette of the Province, and also (if there be such) in one public newspaper published in such County or City, as the case may be, fix a day not sooner than fourteen days from the publication of the warrant in the Gazette, and also a place in such County or City for holding a Special Sittings or Sessions of the Court of Quarter Sessions of the Peace or Recorder's Court as the case requires, for the purpose of selecting such Jury lists as hereinbefore directed; and the several provisions and clauses of this Act, relating to the Sittings or Sessions of such Court, in presence of which the selecting of such Jury lists are hereinbefore directed to be done, shall extend and apply to and be in force with respect to any such Special Sittings or Sessions.

VI.—JURY PROCESS.

General Precepts may be issued to Sheriffs.

57. The Judges, Justices and others to whom the holding of any Sittings or Sessions of Assize and *Nisi Prius*, Oyer and Terminer, Gaol Delivery, Sessions of the Peace, or County Court, by law belongs, or some one or more of such Judges, Justices or others, shall for that purpose issue Precepts to the Sheriff or other proper Officer or Minister for the return of a competent number of Grand Jurors, for cases criminal for such Sittings or Sessions, and of a competent number of Petit Jurors for the trial of such issues or other matters of fact, in cases criminal and civil, as it may be competent to such Petit Juries to try at such Sittings or Sessions according to law.

At what period to issue.

58. The several Precepts for the return of Panels of Grand and Petit Jurors for any Sittings or Sessions of Assize and *Nisi Prius*, Oyer and Terminer, Gaol Delivery, Sessions of the Peace, or County Court, shall be issued to the Sheriff or other Officer or Minister to whom the return of such Precepts belongs, as soon as conveniently may be after the Commission, or other day is known upon which the Jurors to be returned upon such precepts, are to be summoned to attend, and where such day is fixed by law, then as soon as conveniently may be after the close of the last preceding Sittings or Sessions of the like Court: but the Sheriff may return the same panels to the precepts,

Precepts, for the return of panels of Petit Jurors for the Sittings or Sessions of the Peace and for the Sittings or Sessions of the County Court, in all cases where the same day is appointed for holding such respective Sittings or Sessions.

Number to be summoned.

59. The number of the Petit Jurors to be returned on any General Precept for the return of Petit Jurors for any Sittings or Sessions of Assize and *Nisi Prius*, Oyer and Terminer, Gaol Delivery, Sessions of the Peace or County Court, shall not in any case be less than forty-eight nor more than seventy-two, unless by the direction of the Judges appointed to hold such Sittings or Sessions of Assize and *Nisi Prius*, Oyer and Terminer, Gaol Delivery, Sessions of the Peace, or County Court, or one of them, who are hereby empowered, by order under hand and seal, to direct that a greater or lesser number shall be the number to be returned.

According to the Precept.

60. In any County in which any Justice of Assize thinks fit so to direct, the Sheriff, to whom the return of the Precept for the trial of causes at *Nisi Prius* for such County belongs, shall:

Within certain limits as to numbers.

1. Summon and impanel such number of Petit Jurors not exceeding one hundred and forty-four in any County, except the County of York or any Union of which that County for the time being is the Senior County, (and in the said County or Union of Counties last mentioned, not exceeding two hundred and eighty-eight,) as such Justice may think fit to direct, to serve indiscriminately on the criminal and civil side; and

Where two sets of jurors may be summoned.

2. Where such Justice so directs, the Sheriff shall divide such Jurors equally into two sets, the first of which sets shall consist, except as hereinafter provided, of the necessary number of those first drawn upon such Panel, and the Jurors of the first set shall attend and serve for so many days at the beginning of each Assize as such Justice, within a reasonable time before the commencement of such Assize directs, and the Jurors of the second set shall consist, except as before excepted, of the residue of such Jurors, and such Jurors shall attend and serve for the residue of such Assize; but

Names therein to be designated.

3. The Sheriff shall in the summons to each Juror, in each of such sets, specify whether the Juror named therein is in the first or second set, and at what time the attendance of such Juror will be required; and

When to be drawn from first set and second set.

4. During the attendance and service of the first of such sets, the Juries on the civil side shall be drawn from the names of the persons in that set, and during the attendance and service of the second of such sets, from the names of the persons in such second set; and

If a view has been granted.

5. In case a Rule for a view has been obtained, in a cause to be tried by a Jury taken from such Panel, the Judge before whom such case is to be tried, shall, on the application of the party obtaining the Rule, appoint that in case the name of any one of the viewers stands in the Panel among the first half of the names therein, the names of all the viewers shall by such Sheriff be placed in the first of such sets, and that the case shall be tried during the attendance and service of that set of Jurors.

The Courts may issue Writs and Precepts as heretofore.

61. Her Majesty's Superior Courts of Common Law at Toronto, and all Courts of Oyer and Terminer, and Gaol Delivery in Upper Canada, shall respectively have the same powers and authority as heretofore in issuing any Writ or Precept, or in making any award or order orally or otherwise for the return of a Jury for the trial of any issue before any of such Courts respectively, or for the amending or enlarging the Panel of Jurors returned for the trial of any such issue; and the return to any such writ, precept, award or order shall be made in the manner heretofore used and accustomed in such Courts, save and except that the Jurors shall be returned from the body of the County, and not from any township or from any particular venue within the County, and shall be qualified according to this Act.

The Court of Chancery may issue Precepts.

62. In case the Court of Chancery issues a Precept or order, directed to the Sheriff of any County, requiring him to strike or summon a Jury for the trial of any issue or issues, such Jury shall be struck and summoned (as nearly as may be) in the same manner as is herein provided for striking and summoning Petit Jurors for the Superior Courts of Common Law.

The directions for Precepts, &c., at the Assizes to apply also to Quarter Sessions, &c.,

63. The several directions in this Act contained, respecting the issue of Precepts for the return of a Panel of Grand Jurors for the Sittings or Sessions of Oyer and Terminer, and Gaol Delivery, as well as for the execution and return of such Precepts, with all things touching the same, shall, in all particulars, be observed and followed, with respect to the Sittings or Sessions of the General Quarter Sessions of the Peace, and with respect to the Sittings or Sessions of the several Recorder's Courts of the Cities in which such Courts are established.

And County Courts.

64. The several directions in this Act contained respecting the issue of Precepts for the return of a General Panel of Petit Jurors for the Sittings or Sessions of Assize and *Nisi Prius*, as well as for the execution and return of such Precepts with all things touching the same, except only those contained in the fifty-ninth section of this Act, shall be observed and followed in all particulars with respect to the Sittings or Sessions of the several Quarter Sessions and County Courts and of the several Recorder's Courts of the Cities in which such Courts are established.

If the Sheriff is a party, the County Courts to issue a Precept to the Coroner.

65. The Judges of the County Courts respectively, if required by either Plaintiff or Defendant in a suit where the Sheriff is the opposing party, shall issue a Precept to a Coroner of their respective Counties, at least fourteen days before the week in which the General Quarter Sessions of the Peace are to be holden, requiring him to summon, and he is hereby directed thereupon to summon the number of Jurors expressed in such Precept, to be and appear at the time and place when and where the General Quarter Sessions are to be holden, on the same day on which such Sessions are generally holden, from whom a jury shall be taken for the trial of the issue or the assessment of damages, in like manner as practised in cases at *Nisi Prius*.

Writs of *Venire Facias Juratores* to direct the return of 12 jurors.

66. When necessary, every Writ of *venire facias juratores*, for the trial of any issue, civil or criminal, or on any penal Statute, in any of the Courts hereinbefore mentioned, shall direct the Sheriff, or other Officer or Minister to whom the same is directed, "to return twelve good and "lawful men of the body of his County, qualified according "to law," and the rest of the Writ shall proceed in the accustomed form.

What the Precept shall express.

67. Every Precept issued for the return of Jurors for Sittings or Sessions of Assize and *Nisi Prius*, Oyer and Terminer, Gaol Delivery, Sessions of the Peace, or County Court, shall in like manner direct the Sheriff, or other Officer or Minister to whom the same is directed, "to return a competent num- "ber of good and lawful men of the body of his County, "qualified according to law," and shall not require the same to be returned from any Township, or from any particular venue within the County.

Teste, &c., of Writs for the summoning of jurors, except in special instances.

68. Except in trials at Bar, the Writ of *venire facias juratores*, where by law necessary, may be tested on the day on which the same issues and be made returnable on any day in term or vacation, and except in trials at Bar, the Writ of *distringas juratores* and *habeas corpora* may be tested either on the return day of the *venire* or on any subsequent day in term or vacation, and as well after as before or on the Commission day of the Assizes at which the cause in which the same may be sued out is intended to be tried, and any such process may be sued out of the office of the Deputy Clerk of the Crown and Pleas in the County, as well as out of the principal office at Toronto.

Contents of Writs of *Habeas Corpora Juratorum*, &c.

69. In any Writ of *habeas corpora juratorum* or *distringas* subsequent to and founded upon any Writ of *venire facias juratores*, it shall not be requisite to insert the names of the Jurors contained in the panel, but it shall be sufficient to insert in the mandatory part of such Writs respectively—"the "bodies of the several persons in the panel to this Writ annexed "named," or words of the like import, and to annex to such Writ

Writs respectively, panels containing the same names as were returned on the panel to such *venire facias*, with their places of abode and additions.

Writs of *Venire Facias Juratores, &c.*, not necessary at the Assizes, &c.

70. For the trial of issues in cases whether criminal or civil which come on in course for trial at any Sittings or Sessions of Assize and *Nisi Prius*, Oyer and Terminer, Goal Delivery, Sessions of the Peace, or County Court, it shall not be necessary to sue out any Writ of *venire facias juratores* or other Jury process, but the award of such process by the Court, and the entry of such award where necessary on the Roll, together with the return of a panel of Jurors upon the general Precept issued for such Sittings or Sessions, and the trial of such issues respectively by a Jury taken from such general Panel in the manner herein provided, shall be sufficient, and shall be as valid and effectual in law as if such *venire facias juratores*, or other process, had been actually and regularly sued out in each case, and the names of the Jurors had been regularly returned upon such Jury process:

Trials at Bar not to be affected.

1. But nothing in this section contained shall extend to any issue, to be tried at Bar, or by order of the Court of Chancery, or by a Special Jury, or by a Jury *de medietate linguæ*, or *de ventre inspiciendo*, or in a case in which a view has been granted;

Talesmen to be deemed taken from the general panel.

2. Every Jury of which some of the Jurors have been regularly taken from such general Panel, shall, notwithstanding its being completed by the award of a *tales de circumstantibus*, be deemed to have been taken from such general Panel for the purposes of this section;

When view is granted, what Sheriff shall do on the *Venire Facias Juratores*.

3. To every *venire facias* directed to a Sheriff in a case in which a view has been granted, and which *venire facias* is not endorsed for the return of a Special Jury thereon, such Sheriff shall return the same Jurors as those whose names are inserted in the panel returned upon the general Precept for the Sittings or Sessions at which such cause is to be tried.

What to be done if cause not tried at the first Court in which a *Venire Facias Juratores* is returnable.

71. If when the cause is at issue, any Plaintiff or Demandant or any Defendant in *Quare impedit* or *Replevin* has sued out a Writ of *Venire Facias* upon which a Writ of *Habeas Corpora* or *distringas* with a *Nisi Prius* has issued in order to the trial of the said issue at the Assizes or Sessions of *Nisi Prius*, and does not proceed to trial at the first Assizes or Sessions of *Nisi Prius* after the teste of such Writ of *Habeas Corpora* or *distringas*, then, (except when a view by Jurors is directed) such Plaintiff, Demandant or Defendant, whenever he intends to try the issue at any other Assizes or Sessions of *Nisi Prius*, shall sue forth a new Writ of *Venire Facias*, commanding the Sheriff or other Minister to return anew twelve good and lawful men of the body of the County qualified

qualified according to Law, and the rest of the Writ shall proceed in the accustomed manner, which Writ being duly returned, a Writ of *Habeas Corpora* or *distringas* with a *Nisi Prius* shall issue thereupon, upon which such Plaintiff, Demandant or Defendant, may proceed to trial, as effectually to all intents and purposes, as if no former Writ of *Venire Facias* had been prosecuted in that cause, and so *toties quoties* as the case may require.

Former powers of Courts and Judges in trials by jury not abridged, unless by express provisions.

72. Nothing in this Act contained shall alter, abridge or affect any power or authority, which any Court or Judge now hath, or any practice or form, in regard to trials by Jury, Jury Process, Juries or Jurors, except in those cases only where any such power or authority, practice or form, is repealed or altered, or is inconsistent with any of the provisions hereof, or shall change or alter any privilege of Parliament.

VII.—DRAFTING PANELS FROM JURY LISTS.

How Sheriffs to draft panels of jurors.

73. Every Sheriff or other Officer to whom any Writ of *Venire Facias* or Precept for the return of Jurors is directed, shall, to such Writ or Precept, return a panel of the names of the Jurors contained in the proper Jury List for the year, whose names shall be drafted from such List in the manner hereinafter mentioned.

If no jurors' book for the year.

74. If there is no Jurors' Book, or certified copy thereof, in existence for the year, the Sheriff may return to any such Writ or Precept a panel of Jurors selected in like manner from the proper Jury List in the Jurors' Book of the nearest preceding year, for which there is a Jurors' Book, or certified copy thereof, in existence.

If not a sufficient number in the lists.

75. If there are no Jurors, or not a sufficient number of such Jurors upon any Jury List from which a panel is so required to be drafted, liable to be drafted and to serve upon such panel, the Sheriff may return to the Writ or Precept a panel of Jurors selected in like manner, or the residue of whom respectively have been selected in like manner, from the proper Jury List in the Jurors' Book of the nearest preceding year for which there is a Jurors' Book, or certified copy thereof, in existence.

What notice Sheriffs shall give.

76. Upon any Sheriff or other officer being called upon to return a Panel of Jurors, whether Grand or Petit, he shall give public written notice in his office, and also on the door of the Court House of the County, or if there be no Court House, then in some other public place, of the day and hour at which he will attend at the office of the Clerk of the Peace to draft such Panel of Jurors from the Jury List, and at such time and place he shall proceed publicly to draft the panel by ballot from the Jury List in the presence of the Clerk of

wo Justices of the Peace of the County,
notice from such Sheriff, are hereby
in the presence of any other person or
e to be present.

r other officer has sufficient time, he
otice at least eight days before the draft-
if there is not sufficient time for that
such notice as soon after his receipt of
conveniently may be.

Notice to be eight days, if time admits.

; or completing of the panel, at the
ented by unavoidable accident, the same
ed at any other time in the presence of
and two Justices of the Peace, upon a
st given of such time.

The drafting, if not completed, may be resumed.

to draft a panel of Jurors from the
or other officer to whom the return of
ll in the first place prepare a proper title
el of Jurors to be returned, to which he
te number according as such panel by
ars to be the first, second, third or subse-
m such Jury List, and the title or head-
umber of Jurors to be returned in words
ach Sheriff has a discretion as to such
hat in the exercise of such discretion, he
rn, and the number, when discretionary,
fter the same has been so inserted in

How Sheriff to prepare a panel.

l place, the Sheriff, or other officer,
title or heading, a list of numbers from
nber required, and shall prepare a set of
archment, Card or Paper of uniform and
set containing the same number of ballots
n the Jury List from which the panel is
g one number to each Ballot printed or
nd shall then proceed to draft the panel
r hereinafter mentioned.

Same subject.

of drafting the panel shall be as
:

other officer to whom the return of the
place the Ballots promiscuously in a
rocured by him for that purpose, and
or Urn to be shaken so as sufficiently to
e shall then openly draw from the said
inately one of the said ballots, and de-
ber of such ballot, whereupon the Clerk
of the Justices of the Peace present as
aforesaid

How panel of jurors to be drafted.

aforesaid at such drawing, shall immediately declare aloud the name to which such number is appended in the Jury List from which the Panel is drafted;

Same subject. 2. And thereupon, if such person is exempt from being drafted or serving upon such panel, under the seventh section of this Act, or if upon the face of such Jury List it appears that the person whose number has been so drafted had previously been drafted to serve on a panel drafted from such Jury List in obedience to a Precept for the return of a general panel for any Sessions or Sittings of Assize and *Nisi Prius*, Oyer and Terminer, Gaol Delivery, General Quarter Sessions of the Peace, or County Court, and that such person had actually attended and served upon such panel, and if a sufficient number of names to complete the panel then in course of being drafted, remain on such Jury List without taking any of those who had been previously drafted from the same list upon any former panel, the Sheriff shall publicly announce the same, and that the name of the person so drafted is, on such account, not inserted in the panel;

Same subject. 3. But if upon examination of such Jury List no such cause appears for omitting the name of such person from the panel then being drafted, the name and addition of the person whose name has been so drafted, shall be thereupon written down on a sheet of paper provided for that purpose, and such name shall, by the said Sheriff, or other Officer, be thereupon marked on the said Jury List, with a reference to the number which will belong to such panel in the Jurors' Book;

Same subject. 4. Which being done, the Sheriff shall proceed in like manner to draft and dispose of other numbers from the said Box or Urn, until the necessary number for the panel to be so drafted has been completed;

Same subject. 5. After which, the names so drafted, with the places of residence and additions of the parties, arranged alphabetically, shall, by such Sheriff, or other officer, be transcribed on another sheet of paper, with a reference to the number of such name on the Jury List, and such name shall, by the said Sheriff or other Officer, or his Deputy, be thereupon marked in the said Jury List, with a reference to the number which will belong to such panel in the Jurors' Book;

Same subject. 6. Whereupon, such panel so alphabetically arranged and numbered, with a short statement of the Writ or Precept in obedience to which it has been drafted, the date and place of such drafting, and the names of the Sheriff, or other officer or Minister, or his Deputy, and of the Clerk of the Peace and Justices of the Peace present at such drafting, or at least of two of them, shall be fairly entered in the said Jurors' Book, and attested by the signature

of such Sheriff, or other Officer or Minister, or his Deputy, and of the said Clerk of the Peace and the said Justices, or at least two of them.

The panel to be annexed to the Writ or Precept, and a copy sent to the Clerk of the Queen's Bench.

82. The said Sheriff shall, upon his return of the Writ of *venire facias*, or Precept under authority of which such panel has been drafted, annex a panel to the said Writ or Precept, containing the names, together with the places of abode and additions of the persons so drafted upon such panel, and shall transmit one copy thereof to the office of the Clerk of the Peace of the proper County, and another to the Clerk of the Crown and Pleas of Her Majesty's Court of Queen's Bench at Toronto, or Deputy Clerk of the Crown, as the case may be.

Copies, Jury books, &c., to be open to inspection.

83. Each of such copies, as well as the Jurors' Book, shall at all reasonable times be open to inspection by litigants or their professional Agents, without fee or reward.

JURORS, WHEN SUMMONED BY CORONERS, ELISORS, &C.

How jurors to be summoned by Coroners and Elisors.

84. The manner of drafting or striking, returning and summoning Jurors by the Sheriff upon writs of *venire facias juratores*, as prescribed by this Act, shall be observed and followed by all Coroners, Elisors, and other Officers and Ministers having the return of Jury process, and they shall for such purpose have free access at all reasonable times to the Jurors' Book in the Office of the Clerk of the Peace of the proper County; and every such Coroner, Elisor, and other Officer and Minister shall possess all the powers and perform all the duties, in any way connected with the drafting, striking, returning and summoning such Jurors, as in and by this Act are prescribed to or vested in the Sheriffs of the different Counties, with respect to Jurors returned by them upon similar process.

VIII.—SUMMONING JURORS.

Jurors to be summoned, eight days.

85. The proper Officer shall summon every man bound to serve on Grand Juries or on Petit Juries, not being Special Juries, in any of the Courts aforesaid, eight days at least before the day on which the Juror is to attend, by delivering to him, or in case of his absence from the usual place of his abode, by leaving with some grown person there inhabiting, a note in writing under the hand of the Sheriff, or other proper Officer, containing the substance of such summons.

Special jurors to be summoned, three days.

86. The proper officer shall summon every man to serve on Special Juries in any of the Courts aforesaid, in the like manner as aforesaid, three days at the least before the day on which the Special Juror is to attend; which last mentioned day may be upon, or any day after, the first day of the Assizes at which the cause is to be tried.

87.

The Judges may make order as to calling on special jury cases for trial.

87. The Judges of the different Courts may, by any general rules to be made by them for that purpose, make such regulations as they deem expedient for regulating the time and manner of bringing on such Special Jury trials at *Nisi Prius*.

The proper officer to summon jurors whenever required.

88. The proper officer, notwithstanding any thing in this Act contained, shall summon, in the manner heretofore used and accustomed, every person required to serve upon any Inquest or Inquiry before any Coroner, or before any Commissioners appointed under the Great Seal of this Province, or under the Seal of either of Her Majesty's Superior Courts of Common Law at Toronto, or to serve as a talesman upon any Jury either for the trial of an issue, or assessment of damages, in any of the Courts aforesaid, or any matron to serve on a Jury *de ventre inspiciendo*.

Sheriff indemnified for returning unqualified persons, if in the rolls of jurors.

89. Every Sheriff, and other Officer or Minister to whom the return of Jurors belongs, is hereby indemnified for empannelling and returning any man as a Grand or Petit Juror named in and taken from the Grand or Petit Jurors' Rolls for the year in which he has been summoned, although he may not have been qualified or liable to serve as such Juror for such year.

EMPANNELLING GRAND JURY.

How grand jurors to be empannelled if a sufficient number do not appear.

90. When there do not appear as many as twelve of the Grand Jurors summoned upon a Panel returned upon any Precept to any Court of Criminal Jurisdiction, every such Court, upon request made for the Queen by Her Attorney or Solicitor General, or any of Her Counsel Learned in the Law, or in their absence, by the County Attorney, or by any one thereto authorized or assigned by such Court, shall command the *Sheriff*, or other Officer or Minister to whom the making of the return belongs, to name and appoint so many of such other able men of the County or City, as the case may be, then present, as will make up a Grand Inquest of twelve, and the Sheriff, or other Officer or Minister aforesaid, shall at such command of the Court, return such duly qualified men as are present or can be found, to serve on such Grand Inquests, and shall add and annex their names to the Panel returned upon such Precept; and the Court shall proceed with those Grand Jurors who were before empannelled, together with the Talesmen so newly added and annexed, as if all the said Jurors had been originally returned upon such Precept.

IX.—DRAWING JURY AT TRIAL.

Empannelling jury at the trial.

91. The name of each man summoned and empannelled as a Petit Juror upon the general Precept for any Sittings or Sessions of Assize and *Nisi Prius*, Oyer and Terminer, Gaol Delivery, Sessions of the Peace or County Court, with his place of

of abode and addition, shall by the Sheriff be written distinctly on a piece of Parchment, Card or Paper, as nearly as may be of the form and size following, viz:

DAVID BOOTHE,

of Lot No. 11, in the 7th Con. of Albion,

MERCHANT.

and such names so written shall, by the direction and care of such Sheriff, be put together in a Box or Urn to be by him provided for that purpose, and shall be by him delivered to the Clerk of Assize, or other Clerk of such Court.

How the Clerk is to proceed.

92. When any issue is brought on to be tried, or damages to be assessed, such Clerk of Assize, or other Clerk, shall:

Drawing names from the Box, &c.

1. In open Court, cause such Box or Urn to be shaken so as sufficiently to mix the names, and then draw out twelve of the Parchments, Cards or Papers one after another, (causing the Box or Urn to be shaken after the drawing of each name,) and if any of the Jurors whose names are so drawn do not appear or are challenged and set aside, then such further number, until twelve Jurors are drawn, who do appear, and who after all just causes of challenge allowed, remain as fair and indifferent, and the first twelve Jurors so drawn appearing and approved as indifferent, their names being noted in the minute Book of the Clerk of Assize, or other Clerk of the Court, shall be sworn or affirmed (as the case may be), and shall be the Jury to try the issue, or assess the damages, and

Men drawn to be kept apart, &c.

2. The names of the men so drawn and sworn shall be kept apart by themselves until the Jury have given in their verdict, and the same has been recorded, or until such Jury have been by consent of the parties, or by leave of the Court, discharged, and then the same names shall be returned to the Box or Urn, there to be kept with the other names remaining at that time undrawn, and so *toties quoties* as long as any issue remains to be tried, or damages to be assessed.

If another Jury is required before the last drawn have brought in their verdict.

93. If any issue is brought on to be tried, or damages to be assessed at any of the said Sittings or Sessions, before the Jury in any other cause have brought in their verdict, or been discharged, the Court may order twelve of the residue of the said Parchments, Cards or Papers (not containing the names of any of the Jurors who have not brought in their verdict or been

been discharged,) to be drawn in the manner last aforesaid, for the trial of the issue so brought on to be tried, or for the assessment of damages, as the case may be.

Several causes may be tried in succession by the same jury.

94. Notwithstanding the two last preceding Sections, where no objection is made on the part of the Queen, or any other party, the Court may try any issue or assess damages with the Jury previously drawn to try any other issue, or to assess damages without their names being returned to the box or urn, and redrawn, or may order to retire any of such Jurors whom both parties consent to withdraw, or who may be justly challenged or excused by the Court, and may cause another name or other names to be drawn from the box or urn, and shall try the issue or assess the damages with the residue of the original Jury and such new Jurors who appear and are approved as indifferent, and so *toties quoties* as long as any issue remains to be tried.

If a full jury do not appear, a tales may be granted.

95. When a full Jury does not appear before any Court of Assize and *Nisi Prius*, or before any sittings of any County Court for the trial of issues or assessment of damages as at *Nisi Prius* or before any Court of a City when engaged in the trial of a civil suit, or where, after the appearance of a full Jury, by challenge of any of the parties, the Jury is likely to remain untaken for default of Jurors, every such Court, upon request made for the Queen by any one thereto authorized or assigned by the Courts, or on request made by the parties Plaintiff, Demandant, Defendant or Tenant or their respective Attornies, in any action or suit, shall command the Sheriff or other Officer or Minister to whom the making of the return belongs, to name and appoint, as often as need requires, so many of such other able men, of the County or City, as the case may be, then present, as will make up a full Jury, and the Sheriff, or other Officer or Minister aforesaid, shall, at such command of the Court, return such duly qualified men as may be present, or can be found, to serve on such Jury, and shall add and annex their names to any Panel that has been returned upon any Precept or *venire facias*, in such cause.

X.—CHALLENGES.

The want of qualification, a good ground of challenge.

96. If any man not duly qualified is returned as a Juror for the trial of any issue in any cause, civil or criminal, or on any Penal Statute, the want of such qualification shall be a good cause of challenge, and he shall be discharged upon such challenge, if the Court is satisfied of the fact; But the want of a sufficient property qualification shall not, at the trial of any such case, be a good cause of challenge, either by the Crown or by the party, nor a cause for discharging the Juror upon his own application. And nothing herein contained shall extend in any wise to any Special Juror.

Not the want of freehold.

Not to extend to special jurors.

97. No person arraigned for murder or other felony shall be admitted to any peremptory challenge above the number of twenty. Peremptory challenges limited to twenty in felony.

98. A defendant arraigned for a misdemeanor, or if there be more than one, such of them as are tried together and unite in their challenges, may challenge peremptorily without assigning any cause for the same, any three of the Jurors called upon to serve on such trial. In misdemeanors, limited to three.

99. In all inquests to be taken before any of the Courts wherein the Queen is a party, howsoever it be, notwithstanding it be alleged by them that sue for the Queen, that the Jurors of those inquests or some of them, be not indifferent for the Queen, yet such inquests shall not remain untaken for that cause; but if they that sue for the Queen will challenge any of those Jurors, they shall assign of their challenge a cause certain, and the truth of the same challenge shall be inquired of according to the custom of the Court, and shall proceed to the taking of the same inquisitions as it shall be found if the challenges be true or not, after the discretion of the Court; But nothing herein contained shall affect or be construed to affect the power of any Court in Upper Canada, to order any Juror to stand by until the panel is gone through, at the prayer of them that prosecute for the Queen, as has been heretofore accustomed. When the Crown bound to shew cause of challenge.

100. In any civil case, and any case upon Penal Statute, each party, the plaintiff or plaintiffs, demandant or demandants, on one side, and the defendant or defendants, tenant or tenants, on the other, may, on each side, except in the case of special Jurors, challenge peremptorily, without assigning any cause for the same, any three of the Jurors drawn to serve on the trial of the cause. In civil cases each party may challenge three peremptorily.

THAT JURORS AFFIRM, NO CAUSE OF CHALLENGE.

101. It shall not be a good ground of challenge against any person, called upon to serve as a Juror, that he belongs to any Religious persuasion or denomination allowed by Law to affirm instead of taking an Oath, but every such person shall be as eligible and liable to serve on all Juries and inquests on his being affirmed, as if he had been sworn in the usual way. That a juror affirm, no cause of challenge.

ENTRY AND CERTIFICATE OF SERVICE OF JURORS.

102. Immediately after the Sittings or Sessions of any Court of Assize and *Nisi Prius*, Oyer and Terminer, Gaol Delivery, Sessions of the Peace, or County Court, the Sheriff shall, on the Jury List from which the Panel of Grand Jurors (if any) returned to such Sittings or Sessions was drafted, and on the Jury List from The Sheriff to keep a record of jurors who serve;

from which the Panel of Petit Jurors returned upon the General Precept to such Sittings or Sessions was drafted, opposite the names of the Jurors respectively, note the non-attendance or default of all such of the Jurors in such Panels as have not duly attended and served upon such Panels until discharged by the Court.

And grant a certificate thereof if demanded.

102. Every Juror who has attended and served upon any such Panel as last aforesaid, shall (upon application by him made to the Sheriff or Deputy Sheriff, before he departs from the place of trial), receive a certificate testifying his attendance and service, which certificate the Sheriff or Deputy Sheriff shall give upon demand.

The High Bailiff to perform similar duties in Recorder's Courts.

104. Immediately after every Session of the Recorder's Court for any City, the High Bailiff of such City shall, on the Jury List from which the Panel of Grand Jurors returned to such Session was drafted, and on the Jury List from which the Panel of Petit Jurors returned upon the General Precept to such Session was drafted, opposite the names of the Jurors respectively, note the non-attendance or default of all such of the Jurors in such Panels respectively as have not duly attended and served upon such Panels until discharged by the Court.

Same subject.

105. Every Juror who has so attended and served upon any such Panel as last aforesaid, shall (upon application by him made to such High Bailiff or his Deputy before he departs from the place of trial) receive a certificate testifying his attendance and service, which certificate the High Bailiff or his Deputy shall give upon demand.

XI.—SPECIAL JURIES.

Either party may strike a special jury.

106. Her Majesty, or any prosecutor, Relator, Plaintiff, or Demandant, and any Defendant or Tenant in any case whatever, whether civil or criminal, or on any Penal Statute, excepting only on Indictments for Treason or Felony, may have the issue joined in any such case and triable by a Jury, tried by a Special Jury upon suing out the necessary Jury Process for that purpose, and procuring such Special Jury to be struck and duly summoned for the day on which the trial of such case is to be had, and every Jury so struck shall be the Jury returned for the Trial of such issue.

New trial in special jury cases.

107. In the event of a new Trial being ordered in any case after the verdict of a special Jury, the *venire facias juratores* shall set forth the names of the Jurors who sat on the first trial of such cause, or in the event of more trials than one having been previously had, the names of all Jurors who sat upon any of such trials, and none of the Jurors who so sat on any such former trial shall be returned or sit as Jurors upon any subsequent trial of the same cause.

108.

108. In every case, the party desiring a Special Jury to be struck, whether an actor in the cause or not, shall have a right in person, or by his Attorney or Agent, to sue out a Writ of *venire facias juratores* for that purpose, and every such Writ before being delivered to the Sheriff, or other Officer or Minister to whom it is directed, shall be indorsed with a direction to such Sheriff, or other Officer or Minister, requiring him to return a Special Jury on the same, and every such Sheriff, or other Officer or Minister, upon receipt thereof, shall, by a Memorandum in writing upon such Writ, appoint some convenient day and hour for striking such Special Jury, the day and hour so fixed being sufficiently distant to enable the party suing out the said *venire* to give the necessary notice to the opposite party.

The party requiring a special jury may sue out a Writ of *Venire Facias Juratores.*

109. In any such case the party, his Attorney or Agent, suing out such *venire facias*, shall give notice in writing to the opposite party, his Attorney or Agent, that he has sued out a *venire facias* in the cause for the purpose of having a Special Jury struck therein, and of the day and hour appointed by the Sheriff or other Officer or Minister for striking the same, and such notice shall be served on such opposite party, his Attorney or Agent, four full days before the day so appointed, and an Affidavit or Affirmation of such service, or an admission in writing under the hand of the Attorney or Agent on whom it has been served, shall be produced to the Sheriff, or other Officer or Minister, at the time appointed for striking such Special Jury, and in default thereof the Sheriff, or other Officer or Minister, shall not proceed to strike the Special Jury upon such appointment.

Such party to give notice to the opposite party.

110. Every Special Jury to be struck under the authority of the one hundred and sixth section of this Act, shall, except as hereinafter provided, consist solely of persons whose names appear on either the Roll of Grand Jurors for the Superior or Inferior Courts for the year in which the Writ of *venire facias* is returnable, and the same shall be struck in the manner hereinafter provided.

Qualification of special juries to be struck under the 106th section.

111. Every such Special Jury shall be struck in the following manner, that is to say:

How a special jury is to be struck.

1. The Sheriff shall provide a set of Ballots or pieces of parchment, card or paper, of as uniform and convenient a size as reasonably may be, and containing the same number of Ballots as there are numbers on the respective Grand Jurors' Rolls from which the said Special Jury is to be struck, upon which ballots shall be printed or written, the whole of the numbers of such Grand Jurors' Rolls, allowing one number to each Ballot, and distinguishing each number by the letters S. C. or I. C. according as it belongs to the Roll of Grand Jurors for the Superior Courts, or to the Roll of Grand Jurors for the Inferior Courts;

Ballots to be prepared.

2.

Drawing Jurors.

2. And at the office of the Clerk of the Peace, at the time appointed for such purpose, in the presence of all the parties in the case and of their Attorneys and Agents (if they respectively choose to attend, or if none of the said parties, their Attorneys or Agents, attend, then upon such proof as is hereinbefore provided of the service of the notice of striking such Special Jury), the Sheriff shall put all the said Ballots in the box or urn, and after having caused the said box or urn to be shaken so as sufficiently to mix the said Ballots, he shall draw out of the said box or urn forty of the said numbers, one after another, and shall, as each number is drawn, refer to the corresponding number in the Grand Jurors' Roll to which such Ballot may belong, and read aloud the name to which such number is appended in the said Roll;

Objection to Jurors drawn.

3. And if at the time of so reading any such name, either party, or his Attorney or Agent, objects that the man whose name has been so drawn is in any manner incapacitated from serving on the said Jury, and also then and there proves the same to the satisfaction of such Sheriff, the name shall be set aside, and the said Sheriff shall instead thereof draw out of the said box or urn another number, and shall in like manner refer to the corresponding number in the Grand Jurors' Roll, to which such Ballot may belong, and read aloud the name to which such number is appended in the said Roll, and such name may be in like manner set aside, and other numbers and names be drawn according to the mode of proceeding hereinbefore described, for the purpose of supplying names in the places of those set aside, until the whole number of forty names not liable to be set aside is completed;

If forty names cannot be obtained.

4. And if in any case it so happens that the whole number of forty names cannot be obtained from the said Grand Jurors' Rolls, the Sheriff shall, in like manner from the Grand Jurors' Rolls in the Jurors' Book of the nearest year for which there is a Jurors' Book or certified copy thereof, in the office of the Clerk of the Peace, ballot, in addition to those already taken from the first mentioned Grand Jurors' Rolls, the number of names required to make up the full number of forty names;

Sheriff to make list. Striking out.

5. And the said Sheriff shall thereupon make out a List of the forty names, together with their respective places of abode and additions, from which List, after a reasonable time allowed in the discretion of such Sheriff for enquiry and consideration respecting the same, each party, his Attorney or Agent, shall strike out twelve names, such names being so struck out by parties one by one alternately, the party suing out the *venire facias* commencing;

Sixteen Jurors at least to be summoned.

6. And the Sheriff shall return upon such *venire facias* the sixteen persons whose names remain on such List, to appear on the day appointed for the trial of such cause;

7.

7. And from such sixteen persons, or so many of them as appear in obedience to the summons, shall be taken by Ballot in the manner hereinbefore by the ninety-second section of this Act prescribed for the drawing of Petit Jurors from the General Panel therein mentioned, a Special Jury for the trial of cause. Special Jurors how formed.

112. If any of the parties in the cause neglect to attend in person or by Attorney, or Agent, at the striking of the Special Jury, the Sheriff, upon production of the affidavit, affirmation or admission of service of the notice as aforesaid, and after waiting at least half an hour for such absent party, shall, if requested by the other party, his Attorney or Agent, proceed to strike the Special Jury, and in case of the continued absence of such first mentioned party, the Sheriff shall, on his behalf, strike out of the said List the twelve names to be by such party struck out of the List as aforesaid. How to proceed if either party fails to attend.

113. In case the Court of Chancery directs any issue or issues to be tried by a Special Jury, such Special Jury shall be struck and summoned in (as nearly as may be) the same manner as for the Superior Courts of Common Law. How if the Court of Chancery direct a trial by special jury.

JURIES OF MERCHANTS, &c.

114. In suits between In what cases Juries of Merchants may be had.

1. Merchant and Merchant; or

2. Trader and Trader; or

3. Merchant and Trader, involving one or more questions of mercantile consideration; and

4. In suits between Manufacturer and Manufacturer; or

5. Mechanic and Mechanic; or

6. Manufacturer and Mechanic, involving one or more questions of Mechanical or scientific consideration; and

7. In suits between any of the former and any of the latter involving one or more of any of such questions; and

8. In suits between any other persons involving one or more questions of scientific consideration;

Either of Her Majesty's Superior Courts of Common Law at Toronto, in Term time, or any Judge thereof, in Vacation, without consent of parties in all but the last mentioned case, and with consent of parties in the eighth or last mentioned case, may order and direct any such cause to be tried by a Special Jury of men belonging to the appropriate kind or kinds of business as aforesaid, In what cases the court may order as pecial jury, with or without consent of parties.

aforesaid, or of scientific men respectively, as the case may be; but any such Rule not made with the consent of parties, shall be made only upon a rule to shew cause or summons upon which the adverse party has had the usual opportunity of being heard as in other cases.

Contents of the order for such jury.

To be struck by Elisors.

115. In every Rule for striking any such Special *Jury*, it shall be ordered that such Special Jury shall be struck, and the names of such Special Jury be certified to the Sheriff by three Elisors to be appointed in writing by endorsement upon such Rule, one by the Plaintiff in the cause, his Attorney or Agent, another by the Defendant, his Attorney or Agent, and the third by the Clerk or Deputy Clerk of the Crown and Pleas of the Court in which the cause is pending, or in case of such Elisors disagreeing, then by the majority of such Elisors, all three being present.

The Sheriff to summon.

116. The Sheriff shall return and summon upon the *venire facias* in such cause, the persons whom such Elisors, or the majority of them, certify to him to have been struck as Special Jurors for the trial of the same.

How Writ of Ven. Fa. to be indorsed.

117. The indorsement to return a Special Jury on the *venire facias* in every such cause, shall direct the Sheriff to return a Special Jury of men of the appropriate kind of business as aforesaid, or of scientific men, as the case may be, pursuant to such certificate as he may receive from the Elisors (naming them,) or a majority of them in that behalf appointed by such Rule.

How such special juries are to be struck.

118. Every such Special Jury shall be struck in the following manner, that is to say:

Appointment of a day.

1. The three Elisors, or a majority of them, upon the delivery to them of a copy of the Rule for such Special Jury and of the *venire facias* for the return of such Jury, shall, at the request of either of the parties in such cause, make an appointment in writing of a day, hour and place for striking such Special Jury as by the one hundred and eighth section of this Act is provided with respect to other Special Juries;

List of qualified persons.

2. And upon notice of such appointment being served upon the opposite party, and such service being proved as in the same section is provided with respect to other Special Juries, the said Elisors shall, at the time and place so appointed, and after waiting the time prescribed by the one hundred and twelfth section, proceed to make a list of the names and additions of all the persons whose names appear on any of the Jurors' Rolls for the year in which such *venire facias* is returnable, and who in their judgment come within the description of persons required to be struck on such Jury according to the exigency of the Rule;

S.

3. And if there are not forty of such persons to be found upon such Rolls, and if the said Elisors, or the majority of them, know of a sufficient number of persons answering the description within the County, whether such persons are otherwise qualified and liable to serve, or exempt from serving as Jurors or not, provided they be not persons disqualified from any of the causes set forth in the twelfth section of this Act, the said Elisors, or a majority of them, shall add to the list the names and additions of a sufficient number of such persons, to complete the same to forty names ; If there are not forty qualified.

4. And if there are the names of more than forty of such persons on such Rolls, the said Elisors, or the majority of them, from the names of all persons on such Rolls who answer such description, shall, in the manner prescribed by the one hundred and eleventh section of this Act for the striking other Special Juries, select forty of such names ; If more than forty.

5. And the List of such forty names being thus completed, the same shall be reduced in the same manner as hereinbefore by the said one hundred and eleventh section provided with respect to other Special Juries ; Reducing the List.

6. And the said Elisors shall thereupon give a certificate to each of the parties to the suit, their Attorney or Agent, certifying the names and additions of the sixteen persons whose names remain upon the List ; Names sixteen Jurors to be certified to parties.

7. And every person so struck on any such Special Jury shall be liable to serve on the same, although exempted from serving upon Juries by the general provisions of the seventh, eight and ninth sections of this Act ; As to exemptions.

8. And the Sheriff, or other Officer to whom the *venire facias* is directed, shall, upon receipt of either of such certificates, return and summon such sixteen persons accordingly ; Return and Summons.

9. And from these sixteen persons so returned shall be selected the Jury to try such cause, in the same way and under and subject to the like restrictions as by the one hundred and eleventh section of this Act is enacted with respect to other Special Juries ; Striking Jury.

119. In case a Special Jury has been struck for the trial of any issue, the talesmen, if any are required, shall be selected from the Jurors empannelled upon the Common Jury Panel to serve at the same Court if a sufficient number of such men can be found, and the Queen, by any one duly authorized or assigned, and every party, may, in every such case, have their respective challenges to the talesmen so added, and the Court shall proceed to the trial of every such issue with those Jurors who were before empannelled, together with the talesmen so newly In special jury cases, talesmen to be taken from the general panel.

newly added and annexed, as if all the said Jurors had been returned upon the Writ or Precept awarded to try the issue.

The same special jury may try several such cases—when.

120. Nothing herein contained shall prevent the same Special Jury, however nominated, from being summoned and returned, to try any number of causes, provided the parties in every such cause, or their Attorneys, have signified in writing to the Sheriff, or other Officer to whom the return of Juries in such cases belongs, their assent to the nomination and return of such special Jury for the trial of their respective cases: But if such Juror has served upon one or more Special Juries at the same Assizes or Session of *Nisi Prius*, the Court may, upon his application, discharge him from serving upon any other Special Jury during the same Assizes or Session of *Nisi Prius*.

The party who sues out the Writ, to pay fees of striking, &c.

121. The party who sues out a *venire facias* for a Special Jury in any cause, shall pay the fees for striking such Special Jury, the fees of the Jurors, and all the expenses occasioned by the trial of the cause by such Special Jury, and shall not have any further or other allowance for the same upon taxation of costs than if the cause had been tried by a common Jury, unless the Judge who tried the case certifies under his hand, in open Court, immediately after the verdict, or afterwards, upon a Summons at Chambers, that the same was a cause proper to be tried by a Special Jury.

XII.—VIEWS, JURIES DE MEDIETATE LINGUÆ AND INQUESTS.

When a view may be granted.

122. When in any case, either Civil or Criminal, or on any Penal Statute depending in either of Her Majesty's Superior Courts of Common Law at Toronto, it appears to such Court or to any Judge thereof in vacation, that it will be proper and necessary that some of the Jurors who are to try the issues in such case, should have view of the place in question, in order to their better understanding the evidence that may be given upon the trial of such issues, such Court, or Judge in vacation, may order a Rule to be drawn up containing the usual terms, and, if such Court or Judge thinks fit, also requiring the party applying for the view, to deposit in the hands of the Sheriff a sum of money to be named in the Rule for payment of the expenses of the view.

Writ therefor.

123. Such Rule shall also command Special Writs of *venire facias* and *distringas* to issue, to the Sheriff or other Officer, to whom the said Writs are to be directed, commanding him to have six or more of the Jurors named in such Writs, or in the Panels thereunto annexed, (who are mutually consented to by the parties, or if they cannot agree, are drawn by ballot from such Panels,) at the place in question, some convenient time before the trial.

Locus in quo to be shewn to the viewers.

124. The Viewers shall, then and there, have the place in question shewn to them by two persons in the said writs named to be appointed by the Court or Judge; and the said Sheriff, or officer who is to execute such writ, shall, by a Special return thereto, certify that the view hath been had according to the command of the same, and shall specify the names of the viewers.

How shall the viewers be selected.

125. When the parties in any such case do not agree as to the Jurors to be nominated to take the view, the viewers shall, by the Sheriff or other Officer to whom the *venire facias juratores* in such case is directed, be drawn by ballot from the Panel returned upon such *venire facias*, at some time and place to be appointed by the Sheriff or other Officer for that purpose, in the like manner as by the ninetieth and ninety-first sections of this Act is provided for drawing Juries from the General Panel at *Nisi Prius*: But no such Sheriff or other Officer shall proceed to draw such viewers from such Panel without having first given at least forty-eight hours' notice in writing to the respective parties in the suit, of the day, hour and place of such drawing.

Notice.

The viewers to be the first sworn on the jury.

126. When a view has been allowed in any case, those men who have had the view, or such of them as appear upon the Jury to try the issue, shall be first sworn, and so many only shall be added to the viewers who appear, as after all defaults and challenges allowed, make up a full Jury of twelve.

As to juries or matrons, *de medietate linguæ*, &c.

127. Nothing herein contained shall extend to any Jury of matrons, or to any Writ *de ventre inspiciendo*, or to deprive any alien not naturalized who has been indicted or impeached of any felony or misdemeanor, of the right of being tried by a Jury *de medietate linguæ*, but on the prayer of every such alien so indicted or impeached, the Sheriff shall by command of the Court return for one half of the Jury a competent number of aliens, if so many there be in the Town or place where the trial is had, and if not, then so many aliens if any, as are found in the same town or place, and no such alien Juror shall be liable to be challenged for want of any qualification required by this Act, but every such alien may be challenged for any cause of disqualification in like manner as if he were otherwise qualified by this Act.

No person to be summoned on juries whose name is not on the roll of Jurors.

128. No man shall be liable to be summoned or empannelled to serve as a Juror in any County, City or Town, upon any inquest or inquiry to be taken or made by or before any Commissioners appointed under the Great Seal of the Province, or the Seal of any Court in Upper Canada having general jurisdiction throughout the same, or having general jurisdiction throughout any County of the same or throughout any City, or Town within the same, unless the name of

such person appears upon one or other of the Jurors' Rolls for the year in which such person is called upon to serve on such inquest or inquiry.

Except on Coroner juries, &c.

129. But nothing herein contained shall extend to any inquest to be taken by or before the Coroner of any County, Union of Counties, City or Town by virtue of his office, or to any inquest or inquiry to be taken or made by or before any Sheriff, High Bailiff, or Coroner, of any County, City or Town, but the Coroners, Sheriffs and High Bailiffs aforesaid, in all such Counties, Cities and Towns respectively, shall respectively take and make all inquests and inquiries by Jurors of the same description as they have been used and accustomed to do before the passing of this Act.

XIII.—APPLICATION OF CERTAIN PROVISIONS TO CITIES AND RECORDER'S COURTS.

Provisions applicable to Recorder's Court.

130. In every City in which there is a Recorder's Court, or any other Court either Civil or Criminal, or both, having local jurisdiction within such City, and in which Court, or any Sittings or Sessions thereof, Jurors are required for the trial of issues of fact joined therein according to the course of Common Law:

The Clerk of Recorder's Court to perform the same duties as the Clerk of the Peace, &c.

1. The Clerk of the Recorder's Court of every such City shall, annually, within the same period as is hereinbefore provided for the performance of a similar duty by the Clerks of the Peace and in a similar manner, prepare from such Reports of the Selectors of Jurors of the County within the limits of which the City is embraced, as have been returned for Wards or other local divisions lying within such City, a Jurors' Book for such City, inserting in the respective Jurors' Rolls in such Book, the names of the persons resident within such City, who, upon such Reports, or upon such of them as have then come in as aforesaid, are returned as qualified and liable to serve as Grand or Petit Jurors respectively, either in the Superior or Inferior Courts;

But only two rolls required.

2. Except only that there shall, in every such case, be but two Rolls, one of Grand Jurors, consisting of all such persons as have been so selected, ballotted and reported for Grand Jurors in either the Superior or Inferior Courts, and the other, of all such persons as have been in like manner selected, ballotted and reported for Petit Jurors in either the Superior or Inferior Courts, and the heads of such Rolls in such Jurors' Books shall be adapted to the same accordingly;

The Recorder to preside, &c.

3. And such Recorder's Court, the Recorder of such City, or the Chairman, or other presiding Member thereof, the Mayor, the Clerk of such Court for the time being, and the High Bailiff, shall respectively perform the like duties in respect of such Books, and the preparing and selecting of the Jury List from the Jurors' Rolls, as are hereinbefore prescribed to the Selectors

Selectors of Jurors from the Jurors' Rolls for the respective Counties; and

4. All other duties which are by this Act prescribed to the Sheriffs of Counties, in respect of Jurors, whether Grand or Petit, within their respective Counties, shall, as respects Grand or Petit Juries for the Courts of any such Cities, be performed by and required of the High Bailiff or other officer, as aforesaid; and

High Bailiff to execute the duties required of Sheriff, &c.

5. The manner of drafting, striking, returning and summoning Juries by the Sheriff, upon writs of *venire facias juratores*, as prescribed by this Act, shall be observed and followed by the High Bailiff, Coroners, Elisors and other Officers having the return of Jury process within every such City, which High Bailiff, Coroners, Elisors and other Officers and Ministers shall for such purpose have free access, at all reasonable times, to the Jurors' Book, in the office of the Recorder's Court or other similar office of such City; and

In drafting jurors, &c.

6. Such High Bailiffs, Coroners, Elisors, and other Officers and Ministers of every such City, shall possess all the powers and perform all the duties in any way connected with the drafting, striking, returning and summoning such Juries by this Act prescribed to or vested in the Sheriffs of Counties with respect to Juries returned by them upon similar process.

Same subject.

131. In every case in which a Proclamation issues erecting any Town into a City upon, from and after the first day of January of the following year, a Jurors' Book shall be prepared, and Jury Lists selected for such City for such following year as above directed with respect to Junior Counties.

Juror's book when a Town becomes a City.

132. In every such case, the preparing the Books, the selecting of the Jury Lists and the performing of all other acts and things required by this Act to be done for such newly proclaimed City, shall be done and performed by the Selectors of Juries from the Jurors' Roll for the County within the limits of which such Town lies, in the like manner as according to the provisions hereof would, in the case of other Cities, be done and performed by the Clerk of the Recorder's Court of such Cities, the Recorder and Recorder's Court and the Officers of such Court respectively.

Clerk of the peace to perform *pro tem.* the duties of the Clerk of Recorder's Court.

133. In every such case, the Clerk of the Peace shall, on demand, deliver over to the Clerk of the Recorder's Court of the City erected as aforesaid, the Jurors' Book for such newly erected City, as soon as may be after the same has been completed, and the copies thereof made and deposited in the proper office, and the Clerk of the Recorder's Court shall thereupon give him a receipt for such Book.

Clerk of the peace to hand over jurors' book to Clerk of Recorder's Court.

Who to pay the expenses thereof.

134. Upon such receipt being filed with the Chamberlain of such City, and the accounts of the said Selectors for the services thus performed for such City, verified by affidavit before any Commissioner for taking affidavits for such County, and upon the same being properly audited and an order made for payment thereof, the Chamberlain of such City shall pay the amount of such accounts out of the like moneys as are hereinafter provided with respect to the payment of similar accounts by the Chamberlains of other Cities, and such payment shall in like manner be allowed in the accounts of such Chamberlain.

Powers of Justices conferred upon Aldermen.

135. All the powers conferred and the duties imposed by this Act upon Justices of the Peace, with respect to Counties, are hereby conferred and imposed upon the Aldermen of Cities in which a Recorder's Court is established.

The duties of Sheriffs and High Bailiffs may be performed personally or by Deputy.

136. The duties by this Act required of the Sheriffs of the different Counties and of the High Bailiffs, or other similar Officers of Cities, and those also required of the Clerks of the Peace, and Clerks of the Recorder's Courts of Cities as aforesaid, may be performed either by the principal Officer himself, or by his Under-Sheriff or Deputy.

XIV.—OMISSIONS NOT TO VITIATE VERDICTS.

Omissions to observe the directions of this Act, not to vitiate the verdict, &c.

137. No omission to observe the directions in this Act contained, or any of them, as respects the qualification, selection, balloting and distribution of Jurors, the preparation of the Jurors' Book, the selecting Jury Lists, from the Jurors' Rolls, the drafting panels from the Jury Lists, or the striking of Special Juries, shall be a ground of impeaching the verdict in any cause, or be allowed for error upon any writ of error or appeal to be brought upon any judgment hereafter rendered in any case, criminal or civil, by any Court in Upper Canada.

XV.—PAYMENT OF JURORS.

1. GRAND JURORS.

County Councils to provide funds for paying Grand Jurors.

138. The several County Councils shall from time to time by By-law, in their discretion, provide for the payment to Grand Jurors, either at the Courts of Oyer and Terminer and General Gaol Delivery, or at the General Quarter Sessions, out of the County funds, such sum per diem as they deem reasonable.

2. PETIT JURORS.

Allowance to petit jurors attending certain Courts.

139. Every Petit Juryman actually attending any of the Courts of Assize and Nisi Prius, Oyer and Terminer, General Gaol Delivery, General Quarter Sessions of the Peace, or County Courts in Upper Canada, shall be entitled to receive in the

the manner hereinafter provided, the sum of one dollar per day, for every day he attends such Court, and the sum of ten cents per mile for every mile he necessarily travels from his place of residence to the said Court, or such other sums as the County Council by By-law from time to time fixes and determines, and the distance travelled shall be ascertained by the declaration of the Sheriff's Bailiff who summoned such Juror, or by the declaration of the Juror himself: But every Juror who makes a false declaration respecting such distance, shall forfeit his right to receive any payment for travelling to or attending such Court as a Juror. False declaration.

140. No Petit Juror shall be entitled to any fee or allowance other than is provided by or under this Act. Only fees.

141. Every Sheriff shall make a pay list for the Petit Jurors summoned to attend any of the aforesaid Courts in the form set forth in the Schedule to this Act marked C, and shall attend or cause some Officer to attend at the opening of the Court, on the morning of every day on which such Court sits for the trial of causes by Jury, and upon the Petit Jurors being called over, shall check and mark the word "present," or "absent," as the case may be, in the proper column of such list opposite the name of every such Juror, and on the last day of the sitting of such Court shall certify and return the said pay list to the Treasurer of the County. Sheriff to make a pay list for petit jurors.

142. The said pay list, checked and certified as aforesaid, shall be a sufficient authority for the Treasurer to pay to each Petit Juror the sum to which he appears entitled, as certified by such list, and the Treasurer shall forthwith pay every such Juror the sum so appearing due to him on such list. Treasurer to pay the jurors.

143. Every Sheriff shall be entitled to receive from the Treasurer of the County of which he is Sheriff, such sum for each pay list, and such sum per diem for checking the same every day at the opening of the Court, and for certifying and returning the same to the Treasurer, as the County Council by By law determines; and the Courts of Oyer and Terminer and General Gaol Delivery and of Assize and Nisi Prius, when holden at the same time and under the same precept and panel of Jurors, shall be one Court; and the County Court and General Quarter Sessions shall be one Court for the purposes of payment of Jurors, and the duty of calling over Jurors at the opening of the Court daily shall be performed by the Clerk of whichever of the said Courts respectively is first opened. Allowance to Sheriffs.

144. The Marshal or Clerk of Assize, the Clerk of the County Court or Clerk of the Peace, as the case may be, shall, at the opening of the Court, and before any other business is proceeded with, call over the names of the Petit Jurors, that the Sheriff or his Officer may check who are present or absent. List of jurors to be called over daily when Court opens.

145.

Jurors not attending to be fined.

145. A Petit Juror, not appearing when so called, shall not be entitled to any pay for the day on which he makes default, and shall, for every default he makes during the day, be liable to such a fine as to the Court seems meet.

FUND FOR PAYMENT OF JURORS.

FEES ON ENTRY OF NISI PRIUS RECORDS.

Sums to be paid with record when entered for trial.

146. To the Clerk of Assize for every County, there shall be paid, with every record entered for trial or assessment, the sum of Three Dollars, and to the Clerks of the several County Courts the sum of One Dollar and Fifty Cents, which sums shall forthwith be paid over to the Treasurer, *and* shall form part of the fund from which Petit Jurors are to be paid.

Record not to be entered unless sum is paid.

147. No Record shall be entered for trial or assessment unless the sums before mentioned are first paid.

FEES IN CRIMINAL CASES.

The like in criminal cases where either party is liable to pay costs.

148. In all criminal cases in which by law the party prosecuting or the party prosecuted is liable to pay the costs of the prosecution, the Officer of the Court shall charge against and receive from the party so liable the sum of Three Dollars over and above the sum to which he is otherwise liable, and such sum of Three Dollars shall form part of the fund for the payment of Petit Jurors, and shall forthwith be paid over by the Officer receiving it to the Treasurer of the County in which the prosecution has been carried on.

Certain fines to go towards payment of jurors.

149. All fines and penalties imposed upon and *levied in* the several Counties in Upper Canada, not payable to the Receiver General or to any Municipal Corporation, and all fines upon Jurors for non-attendance levied therein, shall be paid to the Treasurers of each of the said Counties respectively, and shall form part of the fund for the payment of Petit Jurors under this Act.

COUNTY COUNCILS TO SUPPLY DEFICIENCY.

County Councils to provide funds for paying jurors.

150. In case the sums appropriated by this Act are not sufficient to pay the said Jurors, the several County Councils shall raise and appropriate such sums of money as in their judgment are sufficient to pay the Petit Jurors according to the terms *of* this Act.

Certain clauses not to apply to Counties not providing such fund.

151. The thirteen last preceding clauses of this Act being sections numbered from one hundred and thirty-eight to one hundred and fifty, both included, shall not be in force in, or apply to any County during the present year in which the County

County Council of such County shall not have appropriated a sum of money for the payment of Jurors; and every County Council which shall not have made such provision shall, at the regular meeting in January next, make provision for, and appropriate a sum of money for payment of Jurors for such County; and in every such County, until such provision is made, every Petit Juror shall be allowed the sum of twenty-five cents in every cause in which he is sworn as a Juror in any civil case in the Superior Courts or at the Assizes, and the sum of twelve and a half cents in cases in the County Courts, such fee to be paid by the plaintiff or his Attorney, and to be accounted for in costs by the party charged with the payment thereof.

County Treasurer to notify Sheriff when funds are provided.

152. In every County in which a Petit Jury fund is or may be provided, the Treasurer of such County shall give notice to the Sheriff of the County, who shall thereupon perform the duties imposed upon him under this Act.

Cities bound to contribute.

153. The Municipal Corporation of any County in Upper Canada of which a City forms part for judicial purposes, may demand and recover from the Municipal Corporation of such City a portion of the expenses incurred by such County, in any year, for the payment of Jurors, which portion shall be determined as follows:

Deduction to be made from total sum expended.

1. From the total sum expended in the County in any year, for the payment of Jurors and other fees and disbursements under this Act, there shall be deducted the sums paid to Jurors for attendance at the Courts of Quarter Sessions, and the sum actually received by the County in such year for fees and penalties, which under this Act are appropriated towards the payment of Jurors;

Portion to be finally borne by the City, &c.

2. Of the sum remaining after such deduction, the portion to be finally borne by the City and by the County respectively, shall be in proportion to the assessed value of all the rateable property in each, and the sum to be finally borne by the City shall be the sum to be repaid by the Municipal Corporation thereof to that of the County;

Assessed annual value, &c.

3. In comparing the value of the rateable property in any City and County for the purposes of this Act, the assessed annual value shall be held to be ten per cent. of the actual value.

Annual value of rateable property to be that shewn by assessment-rolls.

154. The actual or annual value of rateable property in a City or County for the purposes of this Act, shall be that shewn by the Assessment-Rolls of each, for the year in which the expenses to be divided between them have been incurred, and the portion of such expenses to be finally borne by the City shall be payable to the County immediately after the close of each year.

155.

The Council of Cities to raise the necessary funds by assessment, &c.

155. The Common Council of any City assessmenr the sum of money required by purposes of this Act, or shall pay such sum o belonging to the City and applicable to mu generally.

XVI.—FEES TO OFFICER

1. TO SELECTORS.

Allowance to selectors, and how payable.

156. The Selectors of Jurors under the of this Act, for every selection and distrib and the Report thereof made by them unde be entitled to such sum of money as is awarded them by the Council of the Muni they are respectively Officers; and such su be paid to them respectively by the Treasur lains, as the case may be,) of their respec Villages, Towns and Cities, in such manne cipal Councils may severally direct upon ficate from the Clerk of the Peace that the Re turned to him within the time limited by L lectors of Jurors under the forty-ninth section be entitled to the sum of four dollars each attendance for the purpose of selecting such moneys shall be paid by the Treasurers of Chamberlains of the City) to every such Selec receipt of a certificate from the Clerk of th County or Union of Counties, that the duties Selectors have been duly performed by them.

2. TO CLERKS OF THE PEACE, AND OF RECO

Fees to Clerks of Peace and of Recorder's Courts.

157. The Clerk of the Peace of every Clerks of the Recorder's Courts, in every Cit corder's Court is established, shall be entitled sums of money for the respective services pe under this Act, that is to say:

1. For receiving and examining the Report each City, Town, Village and Township, causi which may be found therein to be supplied, an in his office, fifty cents;

2. For giving certificates to Selectors of having been performed, fifty cents;

3. For preparing in proper form each Jurors' intending the making up of the same (besides ments for stationer's charges) three dollars;

4. For arranging alphabetically and in order the names contained in Selector's Report, per one hundred names, two dollars;

5. For making up Jurors' books, entering all the names and numbers, and all other matters required to be entered therein, per one hundred names, two dollars;

6. For each copy of the Jurors' book required by this Act, per one hundred names, two dollars;

7. For each certificate required to be entered on the Jurors' book to verify same, one dollar;

8. For copy of Jury list required to be entered, per one hundred names, two dollars;

9. For each panel of Jurors drafted from the Jury list, per one hundred names on such Jury list, two dollars;

10. For entering each panel in the Jurors' book, with the numbers corresponding to the Jury list, two dollars;

11. For making up aggregate return in detail of Jurors, five dollars;

12. For copy thereof, and transmitting same to Provincial Secretary when required, and for office copy of the same, each, two dollars.

3. TO SHERIFFS, &c.

Fees to Sheriffs, High Bailiffs, &c.

158. The Sheriff, High Bailiff or other officer of every such County or City, shall, exclusive of such fees as he may be entitled to from the parties in any suit, be entitled to the following sums of money for the respective services performed by him under this Act, that is to say:

1. For each panel of Jurors, whether Grand or Petit, returned and summoned by him in obedience to any general precept for the Return of Grand or Petit Jurors for any sittings or sessions of Assize and *Nisi Prius*, Oyer and Terminer, Gaol Delivery, Sessions of the Peace or County or Recorder's Court respectively, under this Act, four dollars;

2. For copies of such panel to be returned to the offices of the Superior Courts of Common Law at Toronto, each, one dollar;

3. For every summons served upon the Jurors on any panel, the sum of twenty-five cents;

4. And in the case of Sheriffs of Counties, the eight cents for every mile that the Sheriff or his liffs necessarily and actually travelled in going County Town for the purpose of serving such su

5. And for every certificate given to any of suc having served, to evidence his exemption from until his time for doing so returns in its cour twenty cents.

4. TO CRIERS.

Fees to Criers of Quarter Sessions.

159. And the Crier of every such Court of sions, or Recorder's Court, shall, for making the calling the names of all those drawn in the cou such Jury Lists, and performing all other duti him under this Act, be entitled to the sum of fifty cents, for every one hundred names so dra

If there are more than one hundred names.

160. In all the foregoing cases, when th than one hundred, or more than an even number such names, if the broken number beyond such h dreds falls short of fifty names, the same shall n and if such broken number shall amount to fifty wards, the same shall be reckoned as a full hu all cases of there being altogether less than a s the same shall be reckoned as a full hundred.

How the said fees shall be paid.

161. Upon proof, by affidavit made befor sioner for taking affidavits in one of Her Maj Courts of Common Law, of such several service executed, or in case of the Sheriff of such trave necessarily performed in going to effect the servic monses, accompanied with a detailed account number of miles actually and necessarily travel serve each Juror, so that at the end of the serv summoning the jury shall only be entitled to n number of miles actually travelled, and upon the s perly audited, and an order of the Court of Qu being made for the payment thereof, the Tre County, or the Chamberlain of the City, as the shall pay such fees to such Officers respective money in his hands belonging to such Count pectively, not otherwise specially appropriated liament: and for all such moneys so paid, eve surer and Chamberlain shall be allowed in his the County or City, as if the same had been p special authority and direction of the Municip such County or City respectively.

XVII.—PENALTIES.

Attaints of jurors abolished.

162. The Queen shall not, nor shall any one on Her behalf, nor shall any party or parties in any case whatsoever, commence or prosecute any writ of attaint against any Jury or Jurors for the verdict by them given, or against the party or parties who have Judgment upon such verdict, and no inquests shall be taken to inquire of the concealments of other inquests, but all such attaints and inquests have been and are abolished.

Embracery punishable as heretofore.

163. Notwithstanding any thing herein contained, every person who is guilty of the offence of embracery, and every Juror who wilfully or corruptly consents thereto, shall be respectively proceeded against by indictment or information, and be punished by fine and imprisonment, in like manner as such person and Juror might have been before the passing of this Act.

On jurors for non-attendance.

164. If any person, having been duly summoned to attend on any Jury, in any of the Courts hereinbefore mentioned, does not attend in pursuance of such Summons, or being there called, does not answer to his name; or if any such Juror, or any talesman, after having been called, is present, but does not appear, or after his appearance wilfully withdraws himself from the presence of the Court, the Court shall set such fine upon every such Juror or talesman (unless some reasonable excuse is proved by oath, affidavit or affirmation,) as the Court thinks meet.

On viewers for non-attendance.

165. Where any viewer, having been duly summoned to attend on a Jury, makes default, as in the last preceding section is set forth, the Court at which he has been summoned to attend for the trial of such cause, shall set upon such viewer, (unless some reasonable excuse is proved as aforesaid,) a fine in the discretion of the Court to the amount of twenty dollars at the least.

On jurors upon inquests and inquiries, &c.

166. If any person, having been duly summoned and returned to serve as a Juror in any County, City or Town upon any inquest or inquiry, before any Sheriff or Coroner, or before any of the Commissioners aforesaid, does not, after being openly called three times, appear and serve as such Juror, every such Sheriff, Coroner and Commissioners respectively, shall (unless some reasonable excuse is proved on oath, affidavit or affirmation) impose such fine upon the person so making default, as they respectively think fit, not exceeding twenty dollars.

Sheriff to certify defaults and transmit copies.

167. Every such Sheriff, Coroner and Commissioner respectively, shall make out and sign a certificate containing the christian and surname, the residence and addition of every man so making default, together with the amount of the fine imposed and the cause of such fine, and transmit such certificate to the Clerk

Clerk of the Peace for the County or Clerk of the Recorder's Court of the City in which such defaulter resides, on or before the first day of the General Quarter Sessions of the Peace, or Sessions of the Recorder's Court next ensuing.

Fines to be estreated.

168. And every such Clerk shall copy the fines so certified on the Roll on which all fines and forfeitures imposed at such Quarter Sessions or Sittings, or Sessions of such Recorder's Court, are copied, and the same shall be estreated, levied and applied in like manner, and subject to the like powers, provisions and penalties in all respects, as if they had been part of the fines imposed at such Quarter Sessions or Sittings respectively.

On Sheriffs, &c., for default to perform duties assigned to them.

169. If any Sheriff, or other Officer or Minister as aforesaid, wilfully empannels and returns any person to serve on a Jury in any of the Courts aforesaid, whose name has not been duly drawn upon such Panel, in the manner in this Act prescribed, or if any Clerk of Assize, Clerk of the Peace, Clerk of the Recorder's Court or other Officer of any of the Courts aforesaid, wilfully records the appearance of any man so summoned and returned who has not really appeared,—in every such case, the Court shall, upon examination in a summary way, set such fine upon such Sheriff, Officer or other Minister, Clerk of Assize, Clerk of the Peace, Clerk of the Recorder's Court, or other Officer offending, as the Court thinks meet.

On Sheriffs, &c., taking money as a bribe.

170. No Sheriff, Deputy Sheriff, Coroner, Elisor, Bailiff or other Officer, or person whatsoever, shall directly or indirectly, take or receive any money or other reward or promise of money or reward, to excuse any man from serving or being summoned to serve on Juries, or under any such colour or pretence; and no Bailiff, or other Officer appointed by any Sheriff, Under-Sheriff, Coroner or Elisor, to summon Jurors, shall summon or pretend to summon any man to serve thereon other than those whose names are specified in a Warrant or Mandate signed by such Sheriff, Under-Sheriff, Coroner or Elisor, and directed to such Bailiff, or other Officer; and if any Sheriff, Deputy Sheriff, Coroner, Elisor, Bailiff or other Officer, wilfully transgresses in any of the cases aforesaid, or summon any of the Jurors, not being a Special Juror, less than eight days before the day on which he is required to attend, or summon any Special Juror less than three days before the day on which he is to attend, except in the cases hereinbefore excepted, the Court of Assize and *Nisi Prius*, Oyer and Terminer, Gaol Delivery, Sessions of the Peace, County and Recorder's Court respectively, within whose jurisdiction the offence has been committed, shall, on examination and proof of such offence in a summary way, set such fine upon every person so offending, as the Court thinks meet.

1. If any Sheriff or Deputy Sheriff of any County, or any High Bailiff or other Officer of any City, makes, or causes to be made, any alteration whatever in any of the Rolls, Lists or Panels in any Jurors' Book, or in the certified copies thereof in their official custody respectively, except in compliance with the directions in this Act contained, or neglects or refuses to prepare the Jurors' Book, the Ballots necessary for drafting the Panels, striking Special Juries, and drawing Juries at the trial, or neglects or omits to return such Jurors' Book, and the Ballots for drafting such Jury Lists, to the Court to which by this Act he is required to return the same, or neglects or omits to perform any other duty required of him by this Act, or wilfully does any thing inconsistent with the provisions of this Act; — On Sheriffs, &c., making any unauthorized alteration in any jurors' book, or neglecting to return the same, &c.

2. Or, if any Deputy or Clerk of the Crown and Pleas, makes, or causes to be made, any alteration whatever in the Rolls, Lists or Panels in any Jurors' Book, or in any copy thereof, deposited in his office, or wilfully certifies as true any copy of any Jurors' Book, or any Roll, List or Panel therein, which is not a true copy thereof; — On Deputy Clerks of Crown and Pleas, altering Lists, &c.

3. Or, if any Assessor of any Township, Village or Ward in Upper Canada, neglects or omits to make out and complete his Assessment-Roll for such Township, Village or Ward, and to return the same to the office of the Clerk of such Township or Village, or of the City or Town in which any such Ward is situated, or other office or place of deposit for such Roll, on or before the first day of September of the year for which he is such Assessor; — On Assessors not making and returning the assessment-roll in proper time.

4. Or, if any City, Town, Village or Township Clerk, or any Assessor, or other Officer or person who, at the time of the annual meeting of the Selectors of Jurors for any City, Town, Village or Township, has the actual charge or custody of the Assessment-Rolls or Assessment-Roll of such City, Town, Village or Township for such year, neglects, or omits to perform the duties required of him by the sixteenth section of this Act, as regards the production of such Roll or Rolls at the annual meeting of such Selectors, or the permitting such Selectors to have necessary access to the same for the purposes of their duty; — On municipal officer not producing assessment-roll as required.

5. Or, if any Selector of Jurors for any Township, Village or Ward in Upper Canada, wilfully selects, ballots and reports, as qualified and liable to serve as a Grand or Petit Juror, any person who, according to the provisions of this Act, ought not to be so selected, ballotted or reported, or takes any money or other reward for so selecting, ballotting or reporting or omitting to select, ballot or report any person whomsoever, or wilfully inserts in any such Report a wrong description of the name, place of abode, or addition of any one so selected, ballotted and reported, or neglects or omits to complete his — On selectors of jurors for wilful dereliction of duty.

his selection, ballot and Report, and to deposit the same in the proper office on or before the fifteenth day of September of the year for which he acts as such Selector of Jurors;

On Clerks of Peace for wilful dereliction of duty.

6. Or, if any Clerk of the Peace, or Clerk of any Recorder's Court of any City, or his Deputy, when acting in performance of the duties required of him by this Act, neglects or omits to perform any duty required of him in the manner herein prescribed, or wilfully does any thing inconsistent therewith;

Amount of penalty, and how to be applied.

7. In all such cases, every such person so offending, shall, for such offence, forfeit the sum of two hundred dollars, one moiety thereof to the use of Her Majesty, to be paid over to the Treasurer and applied as provided by the one hundred and forty-ninth section of this Act, and the other moiety thereof, with full costs, to any person who sues for the same, in any Court of competent jurisdiction, by action of debt or information; provided that nothing herein contained shall be construed to relieve any Assessor from the obligation of returning the Assessment-Roll at an earlier period of the year, or from any penalty he may incur by not returning the same accordingly.

How pecuniary penalties shall be levied and applied.

172. Except as otherwise provided by the one hundred and forty-ninth section of this Act, all fines imposed under this Act by either of Her Majesty's Superior Courts of Common Law at Toronto, or by any Court of Assize and *Nisi Prius*, Oyer and Terminer, Gaol Delivery, Sessions of the Peace, County Court, or Recorder's Court, shall be levied and applied in the same manner as other fines imposed by this Act.

Recovery by summary proceeding. Mitigation of penalty.

173. All other penalties under this Act, for which no other remedy is given, may be recovered by summary proceeding before any Justice of the Peace having jurisdiction, over the offence, which Justice may, on any complaint, hear and examine witnesses on oath or affirmation, and determine the same, and if he sees fit, may mitigate the penalty to the extent of a moiety thereof.

Committal for non-payment.

174. Unless the penalty be forthwith paid upon conviction, such Justice shall, by warrant under his hand and seal, levy the same by distress and sale of the offender's goods and chattels, and for want of sufficient distress, the offender shall be committed by warrant, under the hand and seal of such Justice, to the Common Gaol or House of Correction, for such term, not exceeding six calendar months, as such Justice thinks proper, unless such penalty be sooner paid; and all penalties shall be paid to the Treasurer as hereinbefore provided.

XVIII.—MISCELLANEOUS PROVISIONS.

Year, what.

175. The year, for the purposes of this Act, shall be the calendar year.

176.

176. Nothing herein contained shall be construed to affect or alter any Statute or Law whereby the affirmation of any person belonging to certain religious societies, classes or descriptions of persons is allowed, or directed to be in all cases received and taken from such person in lieu of an oath. Affirmations instead of oaths.

177. Whenever any legal proceeding in which a Jury was empannelled is required to be set out, it shall not be necessary to specify that any particular person or persons who acted as Jurors made affirmation instead of oath, but it may be stated that they served as Jurymen, in the same manner as if no Act had passed for enabling persons to serve as Jurymen without oath. Certain allegations not necessary in setting out legal proceedings.

178. In pleading, citing or otherwise referring to this Act, and any other Acts that may be hereafter passed touching or concerning or in any wise relating to Jurors, Juries or Inquests generally, it shall be sufficient to use the expression, *The Upper Canada Jurors' Act of* 1858, or words of equivalent import. Short titles of this Act, and others, relative to jurors in Upper Canada.

179. All former Acts relating to Jurors and all Acts inconsistent herewith are hereby repealed. Repeal.

180. This Act shall extend and apply to Upper Canada only. To apply to U. C. only.

SCHEDULE A.

Report of the selection and distribution of Jurors for the Township of Albion (*or* for the Ward of St. James, in the City of Toronto), in the County of York, for the year 18 , made at the Town (*or* City) Hall of the said Township (*or* City) by A. B. Townreeve (*or* Mayor), C. D. Town (*or* City) Clerk, and E. F., G. H. and I. J. Assessors of the said Township (*or* Ward), on the day of in the year 18 , pursuant to the directions of the Upper Canada Jurors' Act of 18 . (1)

FIRST DIVISION

For the Roll of Grand Jurors to serve in Her Majesty's Superior Courts of Criminal Jurisdiction.

NAMES.	No. of Lot or House, where known to the Selectors.	Concession or Street, or Unincorporated Village or Hamlet, where known to the Selectors.	Additions.
John Anderson	16	2	Esquire.
Peter Cameron	4	6	Yeoman.
William O'Leary	—	Oatlands	Gentleman.
Alfred Piper	17	1	Esquire.
&c.			

SECOND DIVISION

For the Roll of Grand Jurors to serve in Her Majesty's Inferior Courts of Criminal Jurisdiction.

NAMES.	No. of Lot or House, where known to the Selectors.	Concession or Street, or Unincorporated Village or Hamlet, where known to the Selectors.	Additions.
William Adams	9	4	Gentleman.
Richard House	7	5	Yeoman.
Jacob Wyse	2	1	Tailor.
Allan Thomas	21	5	Esquire.
&c.			

THIRD

THIRD DIVISION

For the Roll of Petit Jurors to serve in Her Majesty's Superior Courts of Criminal Jurisdiction.

NAMES.	No. of Lot or House, where known to the Selectors.	Concession or Street, or Unincorporated Village or Hamlet, where known to the Selectors.	ADDITIONS.
David Boothe.....	11	7	Merchant.
George Sullivan.....	8	4	Esquire.
Nathan Lowe.....	6	1	Shoemaker.
Henry Grace.....	24	7	Yeoman.
&c.			

FOURTH DIVISION

For the Roll of Petit Jurors to serve in Her Majesty's Inferior Courts of Criminal Jurisdiction.

NAMES.	No. of Lot or House, where known to the Selectors.	Concession or Street, or Unincorporated Village or Hamlet, where known to the Selectors.	ADDITIONS.
George Gule.....	7	8	Tailor.
Samuel Jones.....	15	3	Yeoman.
William Carpenter.....	7	2	Esquire.
Thomas Hoole Rogers.....	11	1	Gentleman.
&c.			

We, the above-named Selectors of Jurors for the Township of Albion (or as the case may be) (2) do hereby solemnly declare, each severally for himself, that we have made the Selection and Distribution of Jurors in this Report from the Assessment-Roll of the said Township for the present year to the best of our judgment and information, pursuant to the directions of the Upper Canada Jurors' Act of 18 , and that we have made so the same without fear, favour or affection of, to or for any person or persons whomsoever, gain, rewardor hope thereof, other than the fees to which we are entitled under the provisions of the said Act.

Witness our Hands and Seals, the day and year last above written.

A. B. [L. S.] Townreeve.

C. D. [L. S.] Town Clerk.

E. F. [L. S.] Assessor.

G. H. [L. S.] Assessor.

I. J. [L. S.] Assessor.

SCHEDULE B.

The Jurors' Book for the County of York, for the year 1858. (1)

1.—ROLL OF GRAND JURORS

To serve in Her Majesty's Superior Courts (2) of Criminal Jurisdiction.

No. on Roll.	NAMES.	No. of Lot or House as in Report of Selectors.	Concession or Street, or Unincorporated Village or Hamlet, as in Report of Selectors.	Additions.	No. on List.	Remarks.
	1 Albion, (Township.)					
1	Anderson John.....	16	2	Esquire,		Exempted, having served on G. J. List, S. C. 1820.
2	Aylof Graham.....	9	4	Gentleman,		
3	Bosworth David....	11	7	Merchant,		
4	Cameron Peter.....	4	6	Yeoman,		
	(&c., *to, say*)					
20	Young David.....	7	8	Tailor,	3	
	2 Brock, (Township.)					
21	Allan Simon.....	21	7	Yeoman,		
22	Bolland George....	5	12	Gentleman,	2	
	(&c., *to, say*)					
31	Wilkinson James...	13	4	Esquire,		
32	Yates Edward.....	1	5	Yeoman,	144	
	3 Yorkville, (Village.)					
	4 St. James Ward, (City of Toronto.) [&c., *to, say*]					
	26 York, (Township.)					
503	Arthur Thomas.....	3	2 From Bay.	Yeoman,	1	
504	Bull Peter.....	14	1 E. Yonge St.	Yeoman,		

These are to certify that I have carefully compared the above Grand Jurors' Roll with the Reports made by the several Selectors of Jurors for the different Townships, Villages and Wards in the County of York, including the City of Toronto, as embraced within the same for certain judicial purposes, for the year one thousand eight hundred and fifty-eight, as such Reports remained with me as Clerk of the Peace on the fifteenth day of September in that year, and that such Grand Jurors' Roll contains a true and correct transcript of the names, descriptions and additions of all persons so selected and reported as competent, qualified and liable to serve as Grand Jurors in Her Majesty's Superior Courts of Criminal Jurisdiction for such County.

Witness my hand, this day of , one thousand eight hundred and fifty-

E. F., Clerk of the Peace.

2.—

2.—THE GRAND JURY LIST

For the Superior Courts, (2) as selected in open Court, at a General Quarter Session of the Peace for the County, on the day of , 18 , being the first day of the first General Quarter Sessions of the Peace for the County, held next after the first day of October in that year, by C. D., Chairman of the said Court, and the undersigned Selectors, pursuant to the directions of the Act of Parliament.

No. on List.	NAMES.	No. of Lot or House, as in Jurors' Roll.	Concession or Street, or Unincorporated Village or Hamlet, as in Jurors' Roll.	Township, Village or Ward.	Additions.	No. of Roll.	No. of Panel.	Remarks.
1	Arthur Thomas.	3	2 From Bay,	York	Yeoman	503	1	Served accordingly.
2	Bollands George.	5	12	Brock	Gentleman	22	1	Omitted to attend altogether.
3	Young David.	7	8	Albion	Tailor	20		
(&c. *to*)								
144	Yates Edward..	1	5	Brock	Yeoman	32	1	Served accordingly.

These are to certify that on , the day of instant, being the first day of the first General Quarter Sessions of the Peace for the County of York, next after the first day of October in this year (6), the foregoing Grand Jury List for the Superior Courts for this County for the year one thousand eight hundred and , was in open Court duly selected, canvassed and transferred from the Roll of Grand Jurors to serve in Her Majesty's Superior Courts of Criminal Jurisdiction for the same year, pursuant to the directions of the Act of Parliament of (3)

Witness our hands, this day of , one thousand eight hundred and fifty-

C. D. Chairman.
E. F. Clerk of the Peace.
G. H. Warden.

3.—GRAND JURY PANELS FOR THE SUPERIOR COURTS. (2)

(*a*) No. 1.

PANEL of Grand Jurors returned upon a precept from the Honorable G. H., the Honorable I. J., [&c.] Her Majesty's Justices in that behalf, tested the day of 185 , for the return of twenty-four of such Jurors for the Sessions of *Oyer and Terminer* and Gaol Delivery, to be held for this County on the day of , one thousand eight hundred and fifty-nine, as drafted on the day of , one thousand eight hundred and fifty-eight, at the Office of the Clerk of the Peace in Toronto, by A. B., Esquire, Sheriff, in the presence of K. L. and M. N., Esquires, Justices of the Peace for the said County, pursuant to the directions of the Act of Parliament of (3)

No. of Panel.	NAMES.	No. of Lot or House, as in Jury List.	Concession or Street, or Unincorporated Village or Hamlet, as in Jury List.	Township, Village or Ward.	Additions.	No. on List.	Remarks.
1	Arthur Thomas.....	3	2 From Bay,	York	Yeoman	1	
2	Bolland George.....	5	12	Brock	Gentleman	2	
	(&c. to)						
24	Yates Edward.....	1	5	Brock	Yeoman	144	

Witness our hands, the day and year last above written.

A. B. Sheriff.
K. L. J. P.
M. N. J. P.

(*b*) No. 2. (5) &c.

4.—ROLL OF GRAND JURORS

To serve in Her Majesty's Inferior Courts (2) of Criminal Jurisdiction. (4)

No. on Roll.	NAMES.	No. of Lot or House as in Report of Selectors.	Concession or Street, or Unincorporated Village or Hamlet, as in Report of Selectors.	Additions.	No. on List.	Remarks.
	1 ALBION, (Township)					
1	Acland White.. ...	16	2	Esquire,		Exempted, having served on G. J. List, S. C. 1850.
2	Adams William ..	9	4	Gentleman,		
3	Eswald David	11	7	Merchant,		
4	Hamilton Peter.....	4	6	Yeoman,		
	(*&c., to, say*)					
20	Large George.....	7	8	Tailor,	3	
	2 BROCK, (Township)					
21	Ash Simon.....	21	7	Yeoman,		
22	Borland George....	5	12	Gentleman,	2	
	(*&c., to, say*)					
31	Wilkins James.....	13	4	Esquire,		
32	Waters Edward....	1	5	Yeoman,	144	
	3 OSHAWA, (Village)					
	4 ST. JAMES WARD. (City of Toronto) [*&c., to, say*]					
	26 YORK, (Township)					
503	Astor Thomas.....	3	2 From Bay,	Yeoman,	1	
504	Peel Peter..... ...	14	1 E. Yonge St.	Yeoman,		

These are to certify that I have carefully compared the above Grand Jurors' Roll with the Reports made by the several Selectors of Jurors for the different Townships, Villages and Wards in the County of York, including the City of Toronto, as embraced within the same for certain judicial purposes for the year one thousand eight hundred and fifty-eight, as such Reports remained with me as Clerk of the Peace on the Fifteenth day of September in that year, and that such Grand Jurors' Roll contains a true and correct transcript of the names, descriptions and additions of all persons so selected and reported as competent, qualified and liable to serve as Grand Jurors in Her Majesty's Inferior Courts of Criminal Jurisdiction for such County.

Witness my hand, this day of , one thousand eight hundred and fifty-

E. F. Clerk of the Peace.

5.—

5.—THE GRAND JURY LIST

For the Inferior Courts, (2) as selected in open Court at a General Quarter Sessions of the Peace for the County, on the day of 18 , being the first day of the first General Quarter Sessions of the Peace for the County held next after the First day of October in that year, by C. D., Chairman of the said Court, and other Selectors, pursuant to the directions of the Act of Parliament (3)

No. on List.	NAMES.	No. of Lot or House, as in Jurors' Roll.	Concession or Street, or Unincorporated Village or Hamlet, as in Jurors' Roll.	Township, Village or Ward.	Additions.	No. on Roll.	No. on Panel.	Remarks.
1	Astor Thomas...	3	2 From Bay.	York	Yeoman,	503	1	Served accordingly.
2	Borland George.	5	12	Brock	Gentleman,	22	1	Omitted to attend altogether.
3	Large George...	7	8	Albion	Tailor,	20		
	(&c., *to*)							
144	Waters Edward.	1	5	Brock	Yeoman,	32	1	Served accordingly.

These are to certify that on the day of instant, being the first day of the first General Quarter Sessions of the Peace for the County of York next after the First day of October in this year (6), the foregoing Grand Jury List for the Inferior Courts for this County, for the year one thousand eight hundred and , was in open Court duly selected, canvassed and transferred from the Roll of Grand Jurors to serve in Her Majesty's Inferior Courts of Criminal Jurisdiction for the same year, pursuant to the directions of the Act of Parliament (3)

Witness our hands, this day of , one thousand eight hundred and fifty-

C. D. Chairman.
E. F. Clerk of the Peace.

6.—GRAND JURY PANELS FOR THE INFERIOR COURTS. (7)

(*a*) No. 1.

Panel of Grand Jurors returned upon a precept from S. B. H., and K. L. M., Esquires, two of Her Majesty's Justices of the Peace in and for the County of York, tested the day of 185 , for the return of twenty-four of such Jurors for the General Quarter Sessions of the Peace to be held for this County on the day of , one thousand eight hundred and fifty-nine, as drafted on the day of , one thousand eight hundred and fifty-eight, at the Office of the Clerk of the Peace in Toronto, by A. B., Esquire, Sheriff,

Sheriff, in the presence of K. L., and M. N., Esquires, Justices of the Peace for the said County, pursuant to the directions of the Act of Parliament of (3)

No. on Panel.	NAMES.	No. of Lot or House, as in Jury List.	Concession or Street, or Unincorporated Village or Hamlet, as in Jury List.	Township, Village or Ward.	Additions.	No. on List.	Remarks.
1	Astor Thomas...	3	2 From Bay.	York	Yeoman,	1	
2	Borland George..	5	12	Brock	Gentleman,	2	
	(*&c., to*)						
24	Waters Edward	1	5	Brock	Yeoman,	144	

Witness our hands, the day and year last above written.

A. B. Sheriff.
K. L. *J. P.*
M. N. *J. P.*

(*b*) No. 2. (5) &c.

7.—ROLL OF PETIT JURORS

To serve in Her Majesty's Superior Courts (2) of Criminal and Civil Jurisdiction. (4)

No. on Roll.	NAMES.	No. of Lot or House, as in Report of Selectors.	Concession or Street, or Unincorporated Village or Hamlet, as in Report of Selectors.	Additions.	No. on List.	Remarks.
	1 ALBION. (Township.)					
1	Parley Peter.....	16	2	Esquire,		
2	Alley Simon.....	21	7	Yeoman,	2	
3	Aikins William....	25	3	Yeoman,		
4	Ashford Thomas....	19	5	Yeoman,	3	
5	Adams George.....	5	5	Gentleman,	1	
6	Worth David.....	11	7	Merchant,	5	
7	Barclay John.....	9	2	Shoemaker,	4	
8	Cameron William..	4	6	Yeoman,		Excepted,
9	Daniels George....	22	11	Yeoman,	6	having
10	Small William.....	7	8	Tailor,	7	served on
	(*&c., to say*)					P. J. List.
1060	Yarrold George....	14	9	Baker,	288	S. C. 1858,
	2. BROCK. (Township.) &c.					

These are to certify that I have carefully compared the above Petit Jurors' Roll with the Reports made by the several Selectors of Jurors for the different

different Townships, Villages and Wards in the County of York including the City of Toronto, as embraced within the same for certain judicial purposes, for the year one thousand eight hundred and , as such Reports remain with me as Clerk of the Peace on the fifteenth day of September of that year, and that such Petit Jurors' Roll contains a true and correct transcript of the names, description and additions of all persons so selected and reported as competent, qualified and liable to serve as Petit Jurors in Her Majesty's Superior Courts of Criminal and Civil Jurisdiction for such County.

Witness my hand, this day of , 1850.

E. F. Clerk of the Peace.

8.—THE PETIT JURY LIST

For the Superior Courts, (2) as selected in open Court at a General Quarter Sessions of the Peace for the County, on the day of , 18 , being the first day of the first General Quarter Sessions of the Peace for the County held next after the first day of October in that year, by C. D., Chairman of the said Court, and E. F. the Clerk of the Peace, pursuant to the directions of the Act of Parliament of (3)

No. on List.	NAMES	No. of Lot or House, as in Jurors' Roll.	Concession or Street, or Unincorporated Village or Hamlet, as in Jurors' Roll.	Residence.	Additions.	No. on Roll.	No. of Panel.	Remarks.
1	Adams George..	5	5	Albion	Gentleman	5		
2	Alley Simon....	21	7	Albion	Yeoman	2	1	Served accordingly.
3	Ashford Thomas.	2	19	Albion	Yeoman	4		
4	Barclay John....	19	8	Albion	Shoemaker	7		
5	Worth David....	9	5	Albion	Merchant	6		
6	Daniel George.. (&c. to)	11	16	Albion	Yeoman	9		
188	Yarrold George..	14	9	Albion	Baker	1060	1	Attended, but made default.

These are to certify that on , the day of instant, being the first day of the first General Quarter Sessions of the Peace for the County of York next after the first day of October in this year, (6) the foregoing Petit Jury List for the Superior Courts for this County for the year 18 , was in open Court duly selected, canvassed and transferred from the Roll of Petit Jurors to serve in Her Majesty's Superior Courts of Criminal and Civil Jurisdiction for the same year, pursuant to the directions of the Act of Parliament of (3)

Witness our hands, this day of , 1850.

C. D. Chairman.
E. F. Clerk of the Peace.

9.—PETIT JURY PANELS

FOR THE SUPERIOR COURTS (2)

(*a*) No. 1.

Panel *of* Petit Jurors returned upon a precept from the Honorable G. H., the Honorable J. J. (&c.) Her Majesty's Justices, in that behalf tested the day of , one thousand eight hundred , for the return of forty-eight of such Jurors for the Sessions of Assize and *Nisi Prius*, *Oyer* and *Terminer*, and Gaol Delivery, to be held for this County, on the day of , one thousand eight hundred and fifty-one, as drafted on the day of , one thousand eight hundred and fifty-one, at the Office of the Clerk of the Peace in Toronto, by A. B. Esquire, Sheriff, in the presence of K. L. and M. N. Esquires, Justices of the Peace for the said County, pursuant to the directions of the Act of Parliament of (3)

No. on Panel.	NAMES.	No. of Lot or House, as in Jurors' List.	Concession or Street, or Unincorporated Village or Hamlet, as in Jury List.	Township, Village or Ward.	Additions.	No. on List.	Remarks.
1	Alley Simon.....	21	7	Albion	Yeoman	2	
	(&c. to)						
48	Yarrold George...	14	9	Albion	Baker	288	

Witness our hands, the day and year last above written.

A. B. Sheriff.
K. L. J. P.
M. N. J. P.

(*b*) No. 2, (5) &c.

10.—ROLL OF PETIT JURORS

To serve in Her Majesty's Inferior Courts (2) of Criminal and Civil Jurisdiction, (4)

No. on Roll.	NAMES.	No. of Lot or House, as in Report of Selectors.	Concession or street, or Unincorporated Village or Hamlet as in Report of Selectors.	Additions.	No. on List.	Remarks.
	1 ALBION. (Township.)					
1	Alford Peter...	16	2	Esquire		
2	Adams Simon..	21	7	Yeoman	2	
3	Addis William.	25	3	Yeoman		
4	Ashton Thomas.	19	5	Yeoman	3	
5	Aylwin William	5	5	Gentleman	1	
6	Brooks David..	11	7	Merchant	5	
7	Burley John ...	9	2	Shoemaker	4	
8	Catty Peter....	4	6	Yeoman		
9	Davis George..	22	11	Yeoman	6	Exempt, having served on P. J. List, S.C. 1850.
10	Gule George...	7	8	Tailor	7	
	&c. (*to, say*)					
1060	Yold George...	14	9	Baker.	288	
	2 BROCK. (Township.)					
	&c.					

These are to certify that I have carefully compared the above Petit Jurors' Roll with the Reports made by the several Selectors of Jurors for the different Townships, Villages and Wards in the County of York, including the City of Toronto, as embraced within the same for certain judicial purposes, for the year one thousand eight hundred and , as such Reports remained with me as Clerk of the Peace, on the fifteenth day of September in that year, and that such Petit Jurors' Roll contains a true and correct transcript of the names, descriptions and additions of all persons so selected and reported as competent, qualified and liable to serve as Petit Jurors in Her Majesty's Inferior Courts of Criminal and Civil Jurisdiction for such County.

Witness my hand, this day of , 18

E. F., Clerk of the Peace.

11.—THE PETIT JURY LIST

For the Inferior Courts, (2) as selected in open Court at a General Quarter Sessions of the Peace for the County, on the day of , one thousand eight hundred and , being the first day of the first General Quarter Sessions of the Peace for the County held next after the First day of October in that year, by C. D., Chairman of the said Court, and E. F., Clerk of the Peace, pursuant to the directions of the Act of Parliament of (3)

No. on List.	NAMES.	No. of Lot or House, as in Jurors' Roll.	Concession or street, or Unincorporated Village or Hamlet, as in Jurors' Roll.	Residence.	Additions.	No. on Roll.	No. of Panel.	Remarks.
1	Aylwin William	5	5	Albion,	Gentleman,	5		
2	Adams Simon..	21	7	Albion,	Yeoman,	2	1	Served accordingly.
3	Ashton Thomas.	19	5	Albion,	Yeoman,	4		
4	Burley John ..	9	2	Albion,	Shoemaker	7		
5	Brooks David..	11	7	Albion,	Merchant,	6		
6	Davis George..	22	11	Albion,	Yeoman,	9		
	(&c., *to*)							Attended,
288	Yold George...	14	9	Albion,	Baker,	1060	1	but made default.

These are to certify that on , the day of instant, being the first day of the first General Quarter Sessions of the Peace for the County of York, next after the First day of October in this year, (6) the foregoing Petit Jury List for the Inferior Courts for this County for the year one thousand eight hundred and , was in open Court duly selected, canvassed and transferred from the Roll of Petit Jurors to serve in Her Majesty's Inferior Courts of Criminal and Civil Jurisdiction for the same year, pursuant to the directions of the Act of Parliament of (3)

Witness our hands, this day of , one thousand eight hundred and

C. D. Chairman.
E. F. Clerk of the Peace.

12.—

12.—PETIT JURY PANELS FOR THE INFERIOR COURTS. (2)

(*a*) No. 1.

Panel of Petit Jurors returned upon a precept from S. B. H., and K. L. and M. N., Esquires, two of Her Majesty's Justices of the Peace in and for the County of York, tested the day of , 18 , for the return of forty-eight of such Jurors, for the General Quarter Sessions of the Peace to be held for this County, on , the day of , 18 , as drafted on the day of , 18 , at the Office of the Clerk of the Peace in Toronto, by A. B., Esquire, Sheriff, in the presence of K. L. and M. N., Esquires, Justices of the Peace for the said County, pursuant to the directions of the Act of Parliament of (3)

No. of Panel.	NAMES.	No. of Lot or House, as in Jury List.	Concession or street, or Unincorporated Village or Hamlet, as in Jury List.	Township, Village or Ward.	Additions.	No. on List.	Remarks
1	Adams Simon..	21	7	Albion,	Yeoman,	2	
	(*&c., to*)						
48	Yold George...	14	9	Albion,	Baker,	288	

Witness our hands, the day and year last above written.

A. B., Sheriff.

K. L., J. P.

M. N., J. P.

(*b*) No. 2.

(*b*) No. 2.

Panel of Special Jurors returned upon a Writ of *venire facias juratores*, out of the Court of Queen's Bench, in the case of N. O. Plaintiff, against P. Q. Defendant, tested (&c.,) and returnable (&c.,) as struck at the Office of the Clerk of the Peace in Toronto, on , the day of , 18 , by A. B. Esquire, Sheriff in the presence of R. S., Attorney for the Plaintiff, and T. A., Agent for the Attorney of the Defendant, (*or* in the presence of R. S., Attorney for the Plaintiff, the Defendant's Attorney, though served with the appointment, not appearing) pursuant to the directions of the Act of Parliament of (3)

No. on Panel.	NAMES.	No. of Lot or House, as in Jury List.	Concession or Street, or Unincorporated Village or Hamlet, as in the Jury List	Township, Village or Ward.	Additions.	No. on Grand Jurors' Rolls.	Remarks
1	Abbott William.	11	9	Albion,	Gentleman,	I. C. 31	From G. J.
2	Wilkins James.	13	4	Brock,	Esquire,		Roll for S. C.
	(*&c. to*)						for year 1850.
16	Young David..	7	8	Albion,	Tailor,	S. C. 20	No. 10. the G. J. Roll for this year being exhausted.

Witness my hand, the day and year last above written.

A. B., Sheriff.

(*c*) No. 3. (5) &c.

NOTES TO SCHEDULE A.

(1) Here insert the year and Chapter of this Act.

(2) Or as the case may be.

NOTES TO SCHEDULE B.

(1) This Title to be placed at the head of each page or folio throughout the Book.

(2) So much of this Sub-Title as ends with this word, to be placed at the head of each page or folio of the Book appropriated to this class of entries.

(3) Here insert the year and Chapter of this Act.

(4) This Roll to be commenced on a new page or folio after leaving a sufficient number of leaves for the Jury List to be selected from the preceding Roll and the probable number of Panels that may be drafted from such List in the course of the year.

(5) The subsequent Panels following immediately may be commenced on the same page or folio on which the preceding one is closed.

(6) Or, if at a Special Sessions held under the authority of the fifty-sixth section of this Act, say, "Of a Special General Sessions of the Peace for the County of York, held "for that purpose under the warrant of His Excellency the Governor General," (or Lieutenant Governor, as the case may be,) the foregoing Grand or Petit Jury List, &c., was in open Court, &c.

SCHEDULE

SCHEDULE C.

PAY LIST for Petit Jurors who have attended "the Assize" or "County Court and Quarter Sessions" (as the case may be) held for the County of , begun on the day of , and ended on the day of , 18 .

Name of Jurors.	Number of miles travelled in coming to Court.	Check of Attendance.								Amount to be paid to Juror.			Juror's signature acknowledging receipt of money.
		1st day.	2nd day.	3rd day.	4th day.	5th day.	6th day.	7th day.	8th day.	£	s.	d.	
John Just.....	21	present	present	present	present	absent	present	present	present				
Charles Careless—													

I, , Sheriff of the County of , do hereby certify to the Treasurer of the said County, that the above is, to the best of my knowledge, a correct return of the number of miles travelled by each Juror in coming to the said Court, a true check of the number of days of every such Juror attended the Court, and the just sum to which every Juror on the above list is entitled.

A. B., Sheriff.

CAP.

CAP. CI.

An Act to amend the Lower Canada Municipal and Road Act of 1855.

[*Sanctioned 16th August*, 1858.]

Preamble.

WHEREAS it is desirable further to amend the Lower Canada Municipal and Road Act of 1855: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Clerks of Commissioners' Courts may be Municipal Councillors, notwithstanding sect. 17 of 18 V. c. 100.

1. So much of the seventeenth section of the Lower Canada Municipal and Road Act of 1855, as declares the Clerks of any Court of Justice ineligible to the office of Municipal Councillor, is hereby repealed, in so far only as it relates to the Clerks of Commissioners' Courts for the trial of Small Causes; and it is hereby declared that the Clerks of Commissioners' Courts for the trial of Small Causes, were and shall be hereafter eligible to the said office of Municipal Councillor, any law or usage to the contrary notwithstanding.

Past elections of such Clerks declared valid.

2. Clerks of the said Commissioners' Courts who have been elected Municipal Councillors before this Act shall come into force, are hereby declared to have been legally elected for all purposes whatsoever, under the provisions of the said Act, and the subsequent Acts amending the same.

Sect. 26 of Act of 18 V. c. 100 amended.

3. Hereafter the twenty-sixth section of the said Act shall be interpreted as though the words "or shall be otherwise liable to assessment under this Act" had not been inserted between the words "five pounds currency" and the words "nor unless."

Penalties in case of failure on the part of the Wardens in performance of certain duties under sect. 27 of the said Act.

4. Any person appointed by the Warden of a County, under the twenty-seventh section of the Act cited in the preamble of this Act, to preside at a public meeting of the inhabitants of any local Municipality, who shall refuse or neglect to be present at such meeting, or to preside thereat, or to do any act or thing required by law to be done by him in consequence of such appointment, or who shall be guilty of any misfeasance, malfeasance or nonfeasance, in the official capacity conferred on him by such appointment, shall, on conviction thereof before a competent tribunal, forfeit and pay a sum of eighty dollars.

Penalty on Warden of a County failing to notify a meeting under sect. 27 of the said Act.

5. Any Warden of a County who shall refuse or neglect to give the notice of the public meeting of the inhabitants of any local Municipality in such County, required to be given by him under the said twenty-seventh section of the said Act, shall, on conviction thereof before a competent tribunal, forfeit and pay a sum of eighty dollars.

When meeting shall be held.

6. Such meeting shall hereafter be held in each local Municipality, on the second Monday in January in every second year, beginning with the year one thousand eight hundred and sixty; Provided always that as regards local Municipalities, in which a Village Municipality is situate, the meeting of the local Municipality may be held within the limits of the Village Municipality.

Proviso.

Paragraph 8 of sect. 35, Act of 1855, amended.

7. It shall be the duty of any Court or Judge adjudging and declaring the election of any Councillor or Councillors to be void, in and by the judgment in that behalf, to name the day, not being sooner than ten days nor later than twenty days from the date thereof, for which a public meeting of the inhabitants of the local Municipality shall be called under the eighth sub-section of the thirty-fifth section of the said Act.

Auditors to be appointed.

8. Every Council, at its first meeting, after being duly organized, shall appoint one or two Auditors, who shall examine and report annually upon all accounts affecting the Corporation or relating to any matter or thing under its control or within its jurisdiction.

Sect. 45 of said Act amended.

9. The forty-fifth section of the said Act is amended so as to provide that the front of any lot shall be that designated or intended as such in the original title, or which appears to be such front by the roads laid down on the original plan, if the lot is in a Township, although the owner of the lot may have placed his dwelling-house on some other part of the lot, and even although the concession line should form the boundary between two Municipalities or Parishes.

What shall be understood to be the front of a lot.

Paragraph 5 of sect. 49 amended.

10. So much of the fifth sub-section of the forty-ninth section of the said Act, as provides that whenever an equal division of the votes of the delegates present at any meeting shall occur on any question submitted to them, the County Superintendent who shall have called the meeting, shall have the casting vote, is hereby repealed and the following substituted: "at the meeting of the delegates some disinterested person from among such delegates previously appointed by the County Council for that purpose, shall preside."

Who to preside at meetings of delegates.

Provision in case of disagreement between parishes or townships.

11. Whenever two parishes jointly interested in the opening of a new road, the maintenance or improvement of an old road, or the making or maintenance of fences or ditches, cannot agree together as to the division of the work to be done, the matter shall be referred to the council of the county in which such two parishes are situate, which shall, by *By-law*, regulate all matters of difference relative to the opening or maintenance or improvement of such road, or the making or improvement of such fences and ditches, and shall order and prescribe the work to be done and the portion to be done by each parish; and these powers shall belong to such county council,

council, in addition to those conferred by sections fifty, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, sixty-two and sixty-three, of the said Act.

Section 55 of 18 V. c. 100 amended.

12. The fifty-first section of the said Act shall be hereafter interpreted as though the following sub-section were added after the third sub-section of the said section: "The Municipality "shall also be bound to make or cause to be made under the su- "perintendence of the Inspectors, *sous-voyers*, or any other "officer they may think proper to appoint, by any persons obliged "by *procès-verbaux*, By-laws or otherwise, any other road in "the Municipality whether it be a front road or a by-road or a street "or any other road whatsoever in the Municipality, in conformity "with the *procès-verbaux* or By-laws, relating to such roads and "with the law, and shall be subject to be proceeded against by "any person whatsoever of the age of twenty-one years, if the "said roads are not made and kept in repair as aforesaid, for all "damages and fines, as provided in the fourth sub-section of the "said section, as though the municipality had assumed by By- "law the charge of all the roads therein, saving however the "recourse of such municipality against its officers or any other "person having charge of such roads, in case of negligence, "for the reimbursement to them of all damages, fines and "costs incurred."

Liability of the Municipality if the Roads are not properly made and kept in repair.

Saving its recourse against its officers.

Paragraph 9 of sect. 74 of 18 V. c. 100 amended.

13. The following words shall be added after the word "year" in the sixth line of the ninth sub-section of the seventy-fourth section of the Lower Canada Municipal and Road Act of 1855, "or at such other time as may be fixed by a resolu- "tion passed by the said Council to that effect."

Paragraph 3 of sect. 65 of 1855 amended.

14. 1. In any case where the valuation-roll of any locality has not been delivered to the Mayor of the Municipality, as required by the third sub-section of the sixty-fifth section of the said Act, it shall be lawful for any person having the custody of such valuation-roll, to deliver up the same within three months after the passing of this Act, and such delivery shall be as valid as if made within the time prescribed by the said section;

Delivery of Valuation-Roll to the Mayor.

Local Council may amend the Roll.

2. The Council of the local Municipality may amend the said valuation-roll, as if the time when it is so delivered were that prescribed by the said sub-section;

Secretary-Treasurer to give notice under par. 3 of sect. 68 of the said Act.

3. The Secretary-Treasurer of the local Municipality shall be bound to give notice of the delivery of such valuation-roll, as provided by the third sub-section of the sixty-eighth section of the Act amended by this Act;

Secretary-Treasurer to

4. The said Secretary-Treasurer of the said Local Municipality may then make out the general collection-roll, basing

make out the general collection-roll, &c.

it upon such valuation-roll, as he would if it had been made at the time prescribed by the said Act, and observing the same formalities.

Sects. 68 and 69 of said Act amended.

15. Every Local Municipal Council shall have the right to amend or make the valuation-roll yearly or in any year, any thing in the sixty-eighth and sixty-ninth sections of the said Act to the contrary notwithstanding.

Local Councils may oblige all Traders to take and pay for a License.

16. Local Councils may compel all traders, whether wholesale or retail, other than tavern-keepers and retailers of intoxicating liquors, to take out and to pay such council for a license to keep a shop or store, and may regulate the amount to be paid for such license; such amount not to exceed twenty dollars.

Preventing fast driving and gambling.

17. In addition to the powers common to Local Councils, each Local Council shall be empowered to make By-laws to prevent parties from driving or riding faster than an ordinary trot, in the streets, or public places comprised within a radius of one mile from the principal church in the Local Municipality, and for preventing gambling and the keeping of gambling houses in the Municipality.

Punishment of persons resisting officers of a Municipal Council, &c.

18. Every person who shall refuse permission to enter his house to any officer authorized by the Council of any Municipality to seize and sell the goods and chattels of such person, shall be guilty of *rebellion à justice*, and shall be punished therefor by the Mayor or Justice of the Peace who shall have signed the warrant, by imprisonment for any period not exceeding one calendar month, and such Mayor or Justice of the Peace may moreover give an order to cause the doors to be opened, entrance through which has been refused, and the *officer* charged with such order shall, in virtue thereof be authorized to cause any such doors to be opened in the presence of one or more witnesses, and for that purpose to avail himself of the assistance of such workmen or others as he may deem advisable, at the cost of the parties who shall have refused such entrance, which said costs, the said officer shall levy in virtue of the same warrant.

Notice of special meetings of a Local Council.

19. The Secretary-Treasurer of every local council, shall give or cause to be given public notice orally at the door of the parish church, or if there be no such church, then in the most public place within the municipality, of any special meetings of the said council, setting forth in such notice the object of such meeting; Provided always that such special meetings, as well as those appointed by law, shall, as far as possible, be held in the vicinity of such parish church, or the most public and frequented place if there be no such church; and the office of the Secretary-Treasurer shall be established in the place where such meetings shall be held.

Proviso.

APPEALS.

APPEALS.

To what Court appeals may be made.

20. 1. Any person who shall deem himself aggrieved by any judgment rendered in virtue of the Lower Canada Municipal and Road Act of 1855, or of the subsequent Acts amending the same, (unless such judgment shall have been rendered in the first instance by the Circuit Court), may appeal therefrom to the Circuit Court sitting at one of the places adjacent to that at which such judgment shall have been rendered, and such appeal shall be made in the following manner :

Security in appeal.

2. Within ten juridical days after the judgment shall have been rendered, the appellant shall give a good and sufficient security, by a surety who shall justify his sufficiency to the satisfaction of the Clerk of the Circuit Court at the place at which the appeal is to be heard, that the appellant will effectively prosecute the said appeal and will satisfy the judgment and pay the damages and costs which may be adjudged by the Circuit Court, if the judgment appealed from be confirmed; and the said clerk is authorized to administer to any person who shall in such case present himself as surety, the oaths required in similar cases, and to put such questions as may be necessary to satisfy himself of his sufficiency; Provided that the said surety shall justify his sufficiency to the amount of at least one hundred dollars ;

Clerk may put oath to surety.

Proviso : surety to justify.

Copies of security bond.

3. The said clerk shall deliver to any person who shall apply therefor a copy of the said security, and such copy, certified by the clerk to be a true copy, shall be deemed authentic ;

Suspension of execution.

4. If such security be furnished as above mentioned within the delay prescribed, execution of the judgment shall be suspended until the appeal shall have been decided; in default thereof the judgment rendered shall be carried into effect ;

How appeal shall be commenced.

5. The appeal shall be commenced by a petition in which it shall not be necessary to set out all the facts and proceedings in the cause, but it shall be sufficient, after stating the title of the cause, the date of the judgment, and that the security required by law has been duly furnished, to state therein in a summary manner, as though the proceedings in the cause had already been before the Court in which the appeal is to be heard, and in the ordinary form of pleadings or complaints in appeal, the motives or reasons of the appeal, with conclusions analagous thereto, and praying that the judgment appealed from be set aside, and that such judgment be rendered as the Court or Judge below ought to have rendered ;

Copies of petition and security to be served on the respondent.

6. A copy of the said petition, certified by the appellant or his attorney, and a copy of the security in appeal, certified by the clerk who shall have received the same, shall be served upon the respondent or his attorney within twenty juridical days

days after the rendering of the judgment, together with a notice of the day on which the said petition will be presented to the Circuit Court, and the said petition shall be presented to the Circuit Court (in term) on the first juridical day of the said Court immediately following the expiration of the twenty juridical days after the judgment shall have been rendered;

Papers to be filed by appellant.

7. The appellant shall file with his petition a certified copy of the security given by him, and also the notice of appeal, together with the return of a bailiff, setting forth the necessary services, and thereupon the appeal shall be heard, and decided in a summary manner;

Transmission of record from Court below.

8. After a copy of the security so given shall have been served upon the Judge, or one of the Judges, or upon the Clerk to the Judge or Judges, or of the Court, who shall have rendered or pronounced the judgment or conviction, it shall be the duty of the said Judge or Judges, before the day fixed for the presenting of the petition in appeal, to transmit the record to the Clerk of the Circuit Court, with a certificate signed and sealed certifying that the documents transmitted are all the papers, documents and evidence relating to the cause: The above service is to be made within fifteen days after the day on which the judgment has been rendered;

Variance or informality not grounds for setting aside judgment.

9. In such appeals, no new evidence shall be adduced, and no judgment shall be set aside by reason of any trifling variance or informality, but only when any real injustice shall have been committed; and when objections shall be raised which do not affect the merits of the cause, the Circuit Court may, if necessary, order the Clerk of the Court to make any amendment to the procedure, which, as amended, shall be executed as though it had been regular in the first instance;

Costs of appeal, how awarded and levied.

10. The Circuit Court shall have power to adjudge the costs on such appeal, and if the judgment appealed from be fully confirmed, it may order that the record be transmitted to the Judge or Judges, or Court who shall have pronounced the judgment or conviction, and such transmission shall be effected by the Clerk of the Circuit Court who shall annex to the record a copy of the judgment of the said Court and a certificate of the costs allowed on the said appeal, and the said costs shall be levied by the same means, and in the same manner in which the judgment of the Judge or Judges below, or of the Court below, is carried into effect according to law: But if, on the other hand, the said judgment be modified or set aside, in whole or in part, the record and procedure on the judgment appealed from, and any procedure upon the appeal, shall remain to form part of the records of the Circuit Court, by which and under the authority of which, whatever shall have been adjudged, ordered, confirmed, modified or amended by the judgment

Provision if the judgment be modified or set aside.

of the said Court shall be carried into effect, and that by the same means and in the same manner as the judgment appealed from would itself have been carried into effect;

Provision in case of failure to prosecute appeal.

11. Any appellant who shall neglect to cause a copy of the said petition to be served as aforesaid, or who, having caused it to be served, shall fail effectually to prosecute the said appeal, shall be deemed to have abandoned the said appeal, and upon application of the respondent, the Circuit Court shall declare forfeited all the rights and claims founded on the said appeal, and shall allow costs to the respondent, and shall order that the record, (if it has been transmitted,) be sent back to the Court or Judge below; and if the record has not been transmitted, then, upon production of the copy of the petition served upon the respondent, the said respondentshall obtain such costs as the court may adjudge;

Recourse against sureties.

12. The execution of the judgment against the party condemned shall not deprive the party who shall have succeeded, of his recourse against the sureties for the whole or any part of the costs of the appeal remaining unpaid, to the payment of which every surety shall be bound, under the penalty of seizure and execution, in the same manner and to the same degree as the principal party;

Appeals from judgments under Agricultural Act.

13. Any person who shall deem himself aggrieved by any judgment rendered in virtue of the Agricultural Act (unless such judgment shall have been rendered by the Circuit Court in the first instance) may appeal therefrom to the Circuit Court sitting at any one of the places nearest to that at which the judgment shall have been rendered, and such appeal shall be made in the manner and form and within the delays and subject to the conditions hereinbefore prescribed for appeals from judgments rendered in virtue of the Lower Canada Municipal and Road Act of 1855, and the Acts amending the same;

Delay for appealing after this Act shall come into force;

14. During the two months next after the day on which this Act shall go into force, any judgment rendered in virtue of this Act or of any of the Acts cited in this Act, may be appealed from at any time before the day on which this Act shall go into force, or before the first day of the month of October, one thousand eight hundred and fifty-eight;

And for providing security.

15. The appellant in such case shall furnish the security required at any time during the said two months, and the delay prescribed in ordinary cases for any proceeding subsequent to the giving of such security shall be computed from the day inclusive following the expiration of the said two months;

16.

No *Certiorari* to be issued in cases appealable under said Acts.

16. No judgment rendered in virtue of this Act, and of the Acts before cited in the thirteenth sub-section of this section, shall be set aside by any other means than the appeal above prescribed, and no writ of *certiorari* shall be issued and no judgment set aside upon a writ of *certiorari*;

Par. 2 of s. 14 of L. C. Municipal Act of 1857, and s. 41 of Agricultural Act, repealed.

17. The second sub-section of the fourteenth section of the Lower Canada Municipal and Road Amendment Act of 1857, and the forty-first section of the Agricultural Act, and the nine sub-sections in the said last section contained, are hereby repealed.

Mayors not to sit in County Council in appeals in which they are personnally interested.

21. It shall not be lawful for any Mayor of a local Municipality to sit or vote at any special session of the County Council for hearing or deciding upon any petition of appeal praying for the revision or amendment of any valuation-roll or *procès-verbal*, or for the amendment or disallowance of any By-law in the matter of which he has any direct personal interest; and the said County Council shall decide whether such Mayor has or has not such direct personal interest; but such Mayor shall not have a right to vote on the question of his having or not having such interest.

Councils may not order the demolition of dams.

22. Notwithstanding any thing in the Act hereby amended or in the Agricultural Act contained, it shall not be lawful for nor in the power of any Council to direct the demolition of any mill-dam, on the ground that the same is an obstruction to a water-course, but the right to erect any dam and the rights and liabilities of all parties in respect thereof, whether for damage or otherwise, shall be adjudicated on and determined according to the ordinary rules of law.

Town or Village Councils may require work to be done on roads, &c., by persons out of their limits in certain cases.

23. Notwithstanding any thing contained in the *first sub-section* of the twenty-third section of The Lower Canada Municipal and Road Act of 1855, as amended by the third sub-section of the eleventh section of The Lower Canada Municipal and Road Amendment Act 1856, any Town or Village Council may levy an assessment from persons residing or holding assessable property outside of the limits of such Town or Village, or require from any such person the performance of labor, towards the construction or maintenance of any bridge or bridges, within the limits of such Town or Village, in accordance with any *procès-verbal* or By-law, relative to the construction and maintenance of any such bridge or bridges, in force before the passing of The Lower Canada Municipal and Road Act of 1855, or before the incorporation of any such town or village subsequently to the passing of that Act.

Municipal Loan Fund of Lower Canada to what purpose appropriated.

24. The Building of a Town Hall by a Local or County Municipality shall be one of the works or objects for the construction of which the Municipal Loan Fund for Lower Canada shall or may be applied, appropriated and obtained.

LOCAL PROVISIONS.

Special power to the Council of St. John's County, touching Valuation-Rolls.

25. The Municipal Council of the County of St. John may, at a special session to be held for that purpose, not later than the first day of November next, examine the valuation-rolls of the different local Municipalities in that County, and ascertain whether the valuation made in each of them bears a just relation to the valuation made in the others; and thereupon the Council of the said County may increase or decrease the valuations of all assessable property in any one or more of such local Municipalities by adding or deducting such sums upon the hundred as may in their opinion be necessary to produce a just relation between all the valuations in the County.

St. Jean Port Joli made the *chef-lieu* of L'Islet.

26. Upon, from and after the first day of October, one thousand eight hundred and fifty-eight, the parish of l'Islet shall cease to be the *Chef-lieu* of the county of l'Islet, and hereafter the sittings of the Municipal Council of the said county of l'Islet shall be held in the parish of St. Jean Port *Joli*, in the said county, and the said last parish shall hereafter be the *Chef-lieu* of the said county for Municipal and Registration purposes.

Village of Marieville constituted and incorporated.

27. The extent of land designated in a Proclamation inserted in the number of the *Canada Gazette*, published by authority, bearing date the twenty-second day of May, one thousand eight hundred and fifty-eight, to form a separate Municipality from and after the first day of January next, under the name of the Corporation of the Village of Marieville, shall be detached from the Municipality of the parish of Ste. Marie de Monnoir, and shall form a distinct and separate Municipality under the name aforesaid, from and after the passing of this Act; and the election of Municipal Councillors for the said Corporation of the Village of Marieville shall take place in the manner prescribed by law, on the first Monday of the month of September next.

Township of Westbury to be a Municipality distinct from Compton.

28. The township of Westbury, in the county of Compton, shall be disunited for Local Municipal purposes from the township of Ascot, and shall, from and after the passing of this Act, form a separate Local Municipality, and the first election for the choice of Municipal Councillors for the said separate Municipality may be held on the second Monday of October next, or on any subsequent day within the year.

By-laws not to be vitiated by certain errors in designating the Municipality.

29. And whereas the Local Councils of certain territories erected into townships and also into parishes, and which, under the third sub-section of the thirty-third section of the Lower Canada Municipal and Road Act of 1855, respectively form Municipalities by the name of the Corporation of such township, have by error passed divers By-laws under the name of the

the Corporation of such parish, it is hereby declared and enacted that no By-law heretofore passed by any such Local Council shall be held to be null by reason of such erroneous designation therein assumed, but on the contrary every such By-law shall be judged of in respect of its validity, and shall be interpreted and acted on in all other respects, as though it had been passed in the name of such township and not of such parish.

Township and Village of St. John, in the County of Chicoutimi, constituted.

30. And with regard to the township and village of St. John, in the county of Chicoutimi, Be it enacted :

1. From and after the first day of January, one thousand eight hundred and fifty-nine, the Township and Village of St. Jean, shall, for the purposes of the Lower Canada Municipal and Road Act of 1855, or any amendments since made thereto, be detached from the said County of Chicoutimi, and shall be and form a separate Municipality by the name of " The Corporation of the Township of Saint Jean ; "

Corporate name.

How the Municipal Council thereof shall be constituted.

2. The Council of the said Municipality shall consist of seven members, elected in the manner prescribed in *the said* Act with respect to the members of local Councils, by the inhabitants of the Municipality, owners or occupants of real property therein, and shall be subject to the provisions of the said Act with respect to local Councils, except where it is herein otherwise provided, and the said Council and Municipality shall be presided over by an officer elected as the Mayors of local Municipalities are under the said Act, but who shall have the title of Warden, with such of the powers of a Warden as may be consistent with this Act ; And the said Municipality and Council shall have all the powers of a local Municipality and Council under the said Act, and also the powers of a County Municipality and Council under the same, except those which relate to the construction of a Court House and Gaol, or of a Registry Office, and also such as may be inconsistent with its original jurisdiction as a local Council ; And the elections of Councillors, and the sittings of the said Council, shall be held at the Village of St. Jean, which shall be the *Chef-lieu* of the Municipality : and all appeals and revisions, which, under the said Municipal Acts, would otherwise be made to or by the County Municipality, shall be made to and by the Circuit Court at Chicoutimi, and the said Court is hereby specially empowered to take cognizance of the matters aforesaid, and to give its decision in the same manner as the County Municipal Council might have done, and the Clerk of the said Court shall be substituted for the Clerk of such County Council, notwithstanding any thing in the said Act ; and Commissioners for the summary trial of small causes may be Councillors therein ;

Powers of Council.

Elections.

Appeals and revisions.

May be organised tho' it

3. The said Municipality shall be organized and may exercise all its powers and functions although there may not be three

three hundred souls within its limits; and any owner or occupant of real property in the Municipality, whatever be the value thereof, shall be a Municipal Elector and may be elected a Councillor. has not 300 inhabitants.

31. In addition to, and notwithstanding the second sub-section of the thirty-third section of the said Act, the parish of L'Epiphanie, in the county of L'Assomption, shall form and be a distinct Local Municipality in the said county of L'Assomption for all the municipal purposes of the said Act, and shall be deemed to be and to have been since the passing of the said Act a Local Municipality in the said county of L'Assomption, notwithstanding that a small portion of the said parish of L'Epiphanie is situated in the county of Montcalm. Parish of L'Epiphanie in County of L'Assomption declared a separate Municipality.

32. That part of the parish of St. Arsène, situated in the seigniory of La Rivière-du-Loup du Parc, in the county of Temiscouata, which, by virtue of Canonical and Civil Decree, has been annexed to the parish of St. Modeste, in the township of Whitworth, in the said county, is hereby declared to form and shall form part of the said Municipality of St. Modeste, for all the purposes of the Lower Canada Municipal and Road Act of 1855. Bounds of Municipality of St. Modeste extended.

33. Whereas doubts have arisen as to the legality of a certain Proclamation issued at the Government House, in the city of Montreal, on the third day of June, one thousand eight hundred and forty-seven, and having for object the division of the Township of Stukeley into two separate Municipalities, it is hereby declared and enacted, that the Governor General for the time being had full power and authority to issue the said Proclamation, and that the Municipalities of South Stukeley and North Stukeley, in the County of Shefford, are and have been from the day of the date of the said Proclamation, two separate and distinct Local Municipalities within the limits respectively assigned to them in and by the said Proclamation. And it is also further declared and enacted, that no By-law or Act of either of the said Municipalities, shall be deemed void for or by reason of any doubt which may have arisen as to the legality of the said Proclamation, or for or by reason of the corporate name of the Municipality not having been correctly used in any such By-law or Act. Doubts under Proclamation affecting North and South Stukely removed.

34. All By-laws made and passed by the Municipal Council of the County of Missisquoi, or by the Council of any local Municipality in the said County, for the acquirement or construction and maintenance of an Office for the Registration of Deeds, either apart from or forming part of any Court House situate within the said County, or for the construction and maintenance therein of a Fire-proof Vault for the preservation of such Deeds, or for providing means for the acquirement or construction and maintenance of such office, or for the transcription Certain By-laws of County Council of Missisquoi confirmed.

the Corporation of such parish, it is hereby declared and enacted that no By-law heretofore passed by any such Local Council shall be held to be null by reason of such erroneous designation therein assumed, but on the contrary every such By-law shall be judged of in respect of its validity, and shall be interpreted and acted on in all other respects, as though it had been passed in the name of such township and not of such parish.

Township and Village of St. John, in the County of Chicoutimi, constituted.

30. And with regard to the township and village of St. John, in the county of Chicoutimi, Be it enacted :

1. From and after the first day of January, one thousand eight hundred and fifty-nine, the Township and Village of St. Jean, shall, for the purposes of the Lower Canada Municipal and Road Act of 1855, or any amendments since made thereto, be detached from the said County of Chicoutimi, and shall be and form a separate Municipality by the name of " The Corporation of the Township of Saint Jean ; "

Corporate name.

How the Municipal Council thereof shall be constituted.

2. The Council of the said Municipality shall consist of seven members, elected in the manner prescribed in the said Act with respect to the members of local Councils, by the inhabitants of the Municipality, owners or occupants of real property therein, and shall be subject to the provisions of the said Act with respect to local Councils, except where it is herein otherwise provided, and the said Council and Municipality shall be presided over by an officer elected as the Mayors of local Municipalities are under the said Act, but who shall have the title of Warden, with such of the powers of a Warden as may be consistent with this Act ; And the said Municipality and Council shall have all the powers of a local Municipality and Council under the said Act, and also the powers of a County Municipality and Council under the same, except those which relate to the construction of a Court House and Gaol, or of a Registry Office, and also such as may be inconsistent with its original jurisdiction as a local Council ; And the elections of Councillors, and the sittings of the said Council, shall be held at the Village of St. Jean, which shall be the *Chef-lieu* of the Municipality : and all appeals and revisions, which, under the said Municipal Acts, would otherwise be made to or by the County Municipality, shall be made to and by the Circuit Court at Chicoutimi, and the said Court is hereby specially empowered to take cognizance of the matters aforesaid, and to give its decision in the same manner as the County Municipal Council might have done, and the Clerk of the said Court shall be substituted for the Clerk of such County Council, notwithstanding any thing in the said Act ; and Commissioners for the summary trial of small causes may be Councillors therein ;

Powers of Council.

Elections.

Appeals and revisions.

May be organized tho' it

3. The said Municipality shall be organized and may exercise all its powers and functions although there may not be three

three hundred souls within its limits; and any owner or occupant of real property in the Municipality, whatever be the value thereof, shall be a Municipal Elector and may be elected a Councillor. has not 300 inhabitants.

31. In addition to, and notwithstanding the second sub-section of the thirty-third section of the said Act, the parish of *L'Epiphanie*, in the county of L'Assomption, shall form and be a distinct Local Municipality in the said county of L'Assomption for all the municipal purposes of the said Act, and shall be deemed to be and to have been since the passing of the said Act a Local Municipality in the said county of L'Assomption, notwithstanding that a small portion of the said parish of *L'Epiphanie* is situated in the county of Montcalm. Parish of L'Epiphanie in County of L'Assomption declared a separate Municipality.

32. That part of the parish of St. Arsène, situated in the seigniory of La Rivière-du-Loup du Parc, in the county of Temiscouata, which, by virtue of Canonical and Civil Decree, has been annexed to the parish of St. Modeste, in the township of *Whitworth*, in the said county, is hereby declared to form and shall form part of the said Municipality of St. Modeste, for all the purposes of the Lower Canada Municipal and Road Act of 1855. Bounds of Municipality of St. Modeste extended.

33. Whereas doubts have arisen as to the legality of a certain Proclamation issued at the Government House, in the city of Montreal, on the third day of June, one thousand eight hundred and forty-seven, and having for object the division of the Township of Stukeley into two separate Municipalities, it is hereby declared and enacted, that the Governor General for the time being had full power and authority to issue the said Proclamation, and that the Municipalities of South Stukeley and North Stukeley, in the County of Shefford, are and have been from the day of the date of the said Proclamation, two separate and distinct Local Municipalities within the limits respectively assigned to them in and by the said Proclamation. And it is also further declared and enacted, that no By-law or Act of either of the said Municipalities, shall be deemed void for or by reason of any doubt which may have arisen as to the legality of the said Proclamation, or for or by reason of the corporate name of the Municipality not having been correctly used in any such By-law or Act. Doubts under Proclamation affecting North and South Stukely removed.

34. All By-laws made and passed by the Municipal Council of the County of Missisquoi, or by the Council of any local Municipality in the said County, for the acquirement or construction and maintenance of an Office for the Registration of Deeds, either apart from or forming part of any Court House situate within the said County, or for the construction and maintenance therein of a Fire-proof Vault for the preservation of such Deeds, or for providing means for the acquirement or construction and maintenance of such office, or for the transcription Certain By-laws of County Council of Missisquoi confirmed.

transcription of any Deeds which it may have been deemed expedient to transfer to and deposite in such office, for the convenience of the inhabitants of the said County, are hereby declared to have been legal and binding from the days of the dates thereof respectively.

Form of Deed of Soccage lands sold by a Municipality.

35. Any Deed of Sale of land held in Free and Common Soccage by a Secretary-Treasurer in the name of a *Municipality*, under the sixth sub-section of the seventy-fifth section of the said Act, may be made, sealed and delivered before two witnesses, or made and executed before one Notary and two witnesses, or before two Notaries, and may be in the following form, or in any other form or words to the same effect, that is to say :

Province of Canada, }
County of . }

These are to witness, that in consideration of the sum of , paid to the Secretary-Treasurer of the Municipal Council of the County of , by , being the purchaser at Public Auction of the parcel or tract of land hereinafter mentioned, sold by such Secretary-Treasurer to pay Assessments on the day of , in the year of our Lord, one thousand eight hundred and , according to the law in that behalf, the said Corporation of the County of , doth grant, bargain and sell, confirm and convey unto the said , his heirs and assigns for ever, all and singular that parcel or tract of land situate in the of , in the said County of , (*Insert here a description of the property*) ; To have and to hold the premises hereby sold and conveyed, with their and every of their appurtenances, unto and to the use of the said , his heirs and assigns for ever.

In witness whereof, I, , Secretary-Treasurer of the Municipal Council of the said County of , have hereunto set my hand and affixed the Seal of the said Corporation, this day of , in the year of our Lord, one thousand eight hundred and

Signed, sealed and delivered in the presence of }
A. B. }
C. D. }

Secretary-Treasurer.

No more than two and a half per cent. on the assessed value to be

36. Notwithstanding any thing in the said Act, or in the subsequent Acts amending the same, or any of them, or in this Act, it shall not be lawful for the Council of any Municipality, for the purpose of raising any sum or sums of money for making

making and maintaining the Roads and Bridges therein, to impose, in any one year, on any land in any Township therein, any assessment or assessments exceeding in the whole the rate of two and a half per cent. on the actual value of such land according to the valuation thereof in the valuation-roll then in force in which the same is mentioned and described.

collected as taxes for any cause in any one year on township lands.

CAP. CII.

An Act to amend an error in the Act eighteenth Victoria, chapter one hundred and twelve, relating to the building of Churches in Lower Canada.

[*Assented to 16th August*, 1858.]

Preamble.

18 V. c. 112.

WHEREAS there is an error in the second section of the Act passed in the eighteenth year of Her Majesty's Reign, intituled, *An Act to amend the Acts and Ordinance concerning the civil erection of Parishes, and the building and repairing of Churches, Parsonage Houses and Church-yards*: Therefore, Her Majetsy, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Sect. 2 of the said Act amended.

How assessments for Churches shall be levied.

As to pending cases.

1. The said second section of the said Act is hereby so amended as to read as follows: "Whenever the sums of money to be so levied shall not exceed three pounds currency, they shall be levied and payable in equal and quarterly payments, and not otherwise, any law to the contrary notwithstanding; but when they exceed that sum, they shall be levied in the manner prescribed by the first section of the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and chaptered one hundred and three;" and the said section, as hereby amended, shall apply to pending cases or suits for any such sums of money, except only that the defendant in any such case shall remain liable for any costs incurred before the passing of this Act, and for which he would have been liable if it had not been passed.

CAP. CIII.

An Act to consolidate and amend the Game Laws relating to Lower Canada, and to provide against further destruction of the Eggs of Wild Fowl in that part of the Province, and in the Gulf and River St. Lawrence.

[*Assented to 16th August*, 1858.]

Preamble.

WHEREAS it is expedient to consolidate and amend the legal provisions for the better protecting of certain descriptions of Game in Lower Canada: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1.

Acts and parts of Acts repealed.

1. The Act seventh Victoria, chapter twelve;

2. The Act eighth Victoria, chapter forty-six;

3. The Act ninth Victoria, chapter seventy-six;

4. The first section of the Act twelfth Victoria, chapter sixty (in so far only as the same relates to Lower Canada);

5. The sixth section of the Act fourteenth and fifteenth Victoria, chapter one hundred and seven;

6. The Act sixteenth Victoria, chapter one hundred and seventy-one, and

7. The Act twentieth Victoria, chapter fifty-one, are hereby repealed, except only in so far as provided by the next following section.

Acts repealed by said Acts not to revive.

2. No provision of law repealed by any Act cited in the next preceding section shall revive by the repeal of *the said* laws; and notwithstanding the repeal of the Acts enumerated in such section, every act done, and every right acquired by virtue of the said Acts shall remain valid; every penalty incurred shall also remain recoverable; and every legal proceeding commenced may be continued as if the said Acts were not repealed.

Period for hunting deer limited.

3. From and after the passing of this Act, it shall not be lawful to hunt, kill or destroy any red or grey deer, moose, elk, reindeer, cariboo, nor the young of any of the same, between the first day of March and the first day of September in every year, nor to buy, sell, offer for sale, or have in possession any of the above named species of animals, or any parts thereof, so taken within the periods hereinbefore mentioned.

Woodcock and snipe.

4. It shall not be lawful to hunt, kill, destroy, nor attempt to capture or kill, or to buy, sell, offer for sale, or have in possession, any woodcock or snipe between the first day of March and the first day of August in every year.

Grouse, partridge, &c.

5. It shall not be lawful to snare at any time, or to hunt or kill, to buy, sell, offer for sale, or have in possession, any grouse, partridge, ptarmigan or pheasant between the first day of March and twentieth day of August in every year.

Wild swans, geese and ducks.

6. It shall not be lawful to hunt, take, shoot, kill or destroy, nor to buy, sell, offer for sale or possess any wild swan, wild goose or wild duck of the kinds known as mallard, gray-duck, black duck, wood duck, teal, widgeon or any other kind of wild duck whatsoever, at any time between the twentieth day of May and the twentieth day of August in every year.

7.

7. Every person so found having actual possession of any of the aforementioned game, or any portion thereof, within the respective periods above prescribed, shall be held to have obtained the same in violation of the provisions of this Act, except only upon legal proof to the contrary, the burden of which proof shall lie wholly upon the person accused, and such game may be seized by any person and carried before a Justice of the Peace. Persons in possession of the said game during above periods, how dealt with.

8. It shall not be lawful at any time to use strychnine, or other deadly poison, either mineral or vegetable, for the purpose of killing or catching any kind of wild animal or animals, of any species whatsoever, in Lower Canada. Use of strychnine and other poisons prohibited.

9. All offences against any of the provisions of this Act, shall be punished by a separate fine for each and every offence of not less than two dollars and not exceeding forty dollars in addition to all costs, in the discretion of any Justice of the Peace, Stipendiary or other Magistrate before whom any complaint herein may be tried and determined; and in default of *immediate* payment, on conviction, of such fine and costs, the offender shall be forthwith imprisoned in the nearest common gaol for a term of not less than fourteen days, and not to exceed three calendar months, at the discretion of such committing Magistrate, and in proportion in his judgment to the amount of penalty imposed, or until such fine and costs shall have been fully paid. Offences against this Act, how punished. Imprisonment upon failure to pay fines.

10. Any article of game so seized, as hereinbefore provided, shall be forfeited, and it shall, thereupon be, by any Justice of the Peace before whom the conviction shall be had, appropriated at his discretion to purposes of charity within the limits of the parish or district over which his jurisdiction extends. Game so seized to be forfeited.

11. It shall be the duty of every Police Officer or Constable, Clerk of the Market or other party in charge at the market place in every Village, Town and City, to seize and forfeit at sight to his own proper use any game enumerated in the foregoing section, which may be found exposed for sale or otherwise, during prohibited seasons; Provided always, that every such seizure and appropriation shall be duly reported, together with a full description of the person or persons in whose possession such game may be found, to some Justice of the Peace, having jurisdiction over the district within which such proceedings shall have taken place. Duties of officers in charge of markets. Proviso.

12. All penalties incurred under this Act shall be recoverable with costs as aforesaid, by summary proceeding before any Stipendiary or other Magistrate, upon the oath or affirmation of at least one credible witness, other than the prosecutor, or of the prosecutor alone if he renounces all claim to any share of the penalty,—or upon view had of any such offence by Proceedings under this Act to be summary.

And within what time to be commenced.

by any Justice of the Peace; and a prosecution under this Act may be commenced at any time within twelve months after the commission of the offence.

Appropriation of fines.

13. One third of every fine levied by virtue of this Act shall be paid to Her Majesty, to be applied for the public uses of the Province, and the remaining two thirds thereof shall be paid to the prosecutor, together with costs taxed to him for attendance as a witness, or otherwise, unless the prosecutor has been examined as a witness, and has renounced his share of the penalty, in which case he shall have his costs only, and the whole penalty shall belong to the Crown for the uses aforesaid.

Forms for proceedings under this Act.

14. Complaints under this Act may be in the form A—Summonses in the form B—Warrants to arrest Defendant in the form C—Subpœnas in the form D—Convictions in the form E, and Warrants to commit in the form F, G and H, of the Schedule hereunto annexed.

In case witness refuse to attend, warrant may be issued to bring him.

15. If a witness so summoned shall refuse or neglect to attend in obedience thereto, any such Stipendiary or other Magistrate (on proof of due service and the lapse of such reasonable time as fixed by the Summons) may thereupon issue a Warrant, in the form G of the Schedule hereto annexed, returnable immediately, to compel the attendance of such witness to give evidence in the premises, under pain of committal to the common goal during eight successive days, for the contempt.

Summons and summary procedure under this Act.

16. When any person or persons shall be charged upon oath, or otherwise in writing, before any Justice of the Peace with any offence against the provisions of this Act, the said Justice shall forthwith summon the person so charged to appear before him at a reasonable time and place to be named in such Summons according to the discretion of the Magistrate issuing the same; and if such person or persons shall fail or neglect to appear accordingly, then, upon proof of the personal service of such Summons, or the exercise of due diligence to effect a service of the Summons, (either personally in view of such Justice, or by delivering or leaving a copy thereof at the Defendant's usual place of abode or of common resort, or by reading the same to the defendant in person) the said Justice may either proceed therewith *ex parte*, or issue his Warrant, (in the form C of the Schedule hereto annexed) for apprehending such person or persons and bringing him or them before himself, or some other Justice of the Peace within the Province, in which last mentioned case such other Justice shall thereupon proceed to hear and determine the case as if he had himself proceeded therein *ab initio*.

Warrant if summons is not obeyed.

17.

Case where the defendant is not a resident in the Province.

17. In case any Defendant shall not be resident in this Province, and it shall be deemed expedient to proceed against such Defendant without delay, any Stipendiary or other Magistrate may, upon complaint, issue a Summons, returnable before him immediately after the service thereof, or within a reasonable time to be stated in the Summons; and if deemed necessary by the Magistrate, the process provided by the next preceding section for apprehending the Defendant shall be likewise issued simultaneously with such Summons.

Proceedings in cases not specially provided for.

18. Every proceeding under this Act and not specially directed by its provisions, and also all costs recoverable thereunder, shall be the same as provided by law in other cases where summary jurisdiction is given to Magistrates.

Penalty for carrying eggs of sea-fowl between certain periods.

19. Any party or parties, found engaged in collecting, carrying away, destroying or attempting to gather, carry away or destroy, or having in possession (being so gathered) or in the act of carrying away any of the eggs of any species of Wild Fowl from any part of Lower Canada or in the Gulf of or River Saint Lawrence or Islands therein, after the first day of June in each year, shall be severally liable to a penalty of not less than twenty dollars, nor more than one hundred dollars, to be recovered either on complaint and conviction according to the form already prescribed in this Act, or upon view had by any Stipendiary or other Magistrate; and in default of the instant payment of such penalty, and all costs incurred, the offender shall be committed to the nearest gaol for a term of not less than two months, nor more than four months.

Forfeiture of vessels employed in contravening the next preceding section.

20. Every boat or other vessel found employed in gathering or carrying away the eggs of any species of Wild Fowl in contravention of the preceding section, shall be and is hereby declared absolutely forfeited and confiscated to Her Majesty for the public uses of this Province, and may be immediately seized and taken possession of, either upon view of any Stipendiary or other Magistrate or by order of, or under warrrant (in the form H of the annexed Schedule) from any Justice of the Peace, Stipendiary or other Magistrate, who shall cause the property so seized to be disposed of at public auction, and the proceeds thereof to be paid over to Her Majesty's Commissioner of Crown Lands for the public uses of this Province; Provided always that out of the proceeds of such confiscation and sale, all reasonable costs and charges attending the seizure and disposal of the boat or vessel so seized and sold as aforesaid, shall first be defrayed.

Proviso.

Provision in favour of Indians.

21. This Act shall not be held to preclude the Indians from killing or possessing any species of game, eggs, wild fowl or animals mentioned therein, provided the same can by reasonable presumption be deemed to be for their own immediate and personal use and consumption, but in no wise intended

nor offered for sale, barter or gift, either within the Province of Canada or in any other country; and the burden of furnishing evidence of such reasonable presumption shall lie upon such Indians.

Convictions not void for want of form, &c.

22. No proceeding under this Act shall be dismissed, and no conviction had under this Act shall be quashed, for want of form; nor shall any warrant of arrest or commitment be held void by reason of any defect therein, provided that it be alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

Convictions to be transmitted to the proper Clerk of the Peace.

23. Every Justice of the Peace before whom any person shall have been convicted of any offence against this Act, shall transmit the conviction to the next Court of General Quarter Sessions, which shall be holden for the District wherein the offence shall be committed, there to be kept by the proper Officer, among the Records of the said Court.

Superintendent to be a Justice of the Peace.

Game, what.

24. For all the purposes of this Act, the Superintendent of Fisheries for Lower Canada shall be deemed a Justice of the Peace for the whole of that section of the Province, whether otherwise qualified or not. And the word "game," shall mean and include all the birds and animals, mentioned in this Act, or any part or parts thereof.

Searches and search warrants.

25. It shall be lawful for any Justice of the Peace, Stipendiary or other Magistrate, to search or issue a warrant to search any house or place, where he may have reason to believe any game taken, killed or possessed in contravention of this Act, may be concealed or otherwise.

Repealing clause.

26. All Acts, Ordinances or parts thereof being contrary to or inconsistent with the provisions of this Act, are hereby repealed.

Extent of Act.

27. This Act shall be deemed a Public Act, and shall apply to Lower Canada only.

Short Title.

28. This Act shall be known and cited as *The Lower Canada Game Act.*

SCHEDULE A.

Form of Complaint.

Lower Canada, }
to wit: }

This day of , &c., 18 .

To

A. B., actually at , complains that C. D., of , hath (*state the offence briefly, either with the time and place*

place at which it was committed, or between two given dates extending over a period not exceeding thirty days inclusive) in contravention of the Lower Canada Game Act; Wherefore, the complainant prays that judgment may be given against the said C. D., as by the said Act provided.

(Signature) A. B.

SCHEDULE B.

Summons to Defendant.

Lower Canada, to wit:

To C. D., actually at , &c.

Whereas complaint hath this day been made before me that you (*state the offence laid in the complaint*) in contravention of the Lower Canada Game Act; Therefore, you are hereby commanded to come before me forthwith (*or at a specified time and place, which state here*) to answer the said complaint and be dealt with according to law.

Witness my hand and seal, this day of 18 .

J. S.
Justice of the Peace for

(L. S.)

SCHEDULE C.

Form of Warrant to arrest Defendant.

To the Constables and Peace Officers of the District of

Whereas C. D., actually at , hath, by Summons issued under my hand and seal the day of , 18 , been commanded to appear before me at a time and place mentioned therein; and notwithstanding the due service thereof according to law, doth refuse and neglect so to appear in obedience thereto;

Therefore, I command each and every of you the said Constables and Peace Officers forthwith to arrest the said C. D., wheresoever he may be found, and to produce the said C. D. before me, to be dealt with according to law.

Witness my hand and seal, this day of 18 .

J. S.
(*As in Summons.*)

(L. S.)

SCHEDULE D.

Subpœna for Witness.

Lower Canada, }
to wit : }

To E. F., actually at , &c.

Whereas complaint has been made before me that C. D., did (*state the offence*), and I am informed and have reason to believe that you can give material evidence in the case;

Therefore, you are commanded to appear before me forthwith, (*or at some specified time and place*) to testify what you may know concerning the matter of the aforesaid complaint.

Witness my hand and seal, this day of 18 .

J. S.

(*As in Summons.*)

(L. S.)

SCHEDULE E.

Form of Conviction.

Lower Canada, }
to wit : }

Be it remembered that on this day of 18 , at , C. D., actually at , is convicted before me for that the did, &c. (*here state the offence briefly, with circumstance of time and place proven*) in contravention of the Lower Canada Game Act; and I adjudge the said C. D. to forfeit and pay the sum of (*also mention the article to be forfeited*) to be applied as the law directs, and also to pay A. B. (*the complainant*) the sum of for costs:

(*If the penalty be not forthwith paid, add*) and the said C. D. having failed to pay the said penalty and costs forthwith after the said conviction, I adjudge him to be committed to and imprisoned in the Common Gaol of the District of for the period of

Witness my hand and seal, this day of 18 .

J. S.

(*Same as in Summons.*)

(L. S.)

SCHEDULE

SCHEDULE F.

Form of Warrant of Commitment for non-payment of penalty or forfeiture and costs.

Lower Canada, }
to wit: }

To the Constables and Peace Officers of the District of , and the Keeper of the Common Gaol of the District of , at .

Whereas C. D., actually of , was on the day of (*as in conviction*), and I did thereupon adjudge the said C. D. to forfeit and pay to A. B., &c., (*as in conviction*);

And whereas the said C. D. hath not paid the said penalty or forfeiture and costs;

Therefore, I command you the said Constables and Peace Officers, or any of you, to arrest and convey the said C. D. to the Common Gaol for the at , and deliver him to the Keeper thereof with this Warrant; And I command you the said Keeper of the said gaol to receive the said C. D. into your custody, and keep him safely imprisoned in the Gaol for the space of , and for so doing this shall be your sufficient warrant.

Witness my hand and seal, this day of 18 .

J. S.

(*As in Summons.*)

(L. S.)

SCHEDULE G.

Form of Warrant for Witness.

Lower Canada, }
to wit: }

To the Constables and Peace Officers at the , of

Whereas E. F., of , having been duly subpœnaed to appear before me on , at , to give evidence in a matter of complaint for contravention of the Lower Canada Game Act, and notwithstanding due service of such Subpœna certified before me, hath neglected and doth wilfully neglect to appear in obedience thereto;

Therefore

Therefore, this is to command you, or any of you, to forthwith arrest the said E. F. so that you shall have him before me to be dealt with according to law.

Witness my hand and seal, this day of 18 .

J. S.

(*As in Summons.*)

(L. S.)

SCHEDULE H.

Form of Warrant to attach forfeited Vessel or Boat.

Lower Canada, to wit: }

To the Constables and Peace Officers, Officers of Militia, &c., of , or actually within the of .

Whereas a certain (*here describe succinctly the property illegally employed, and the nature of the offence committed*) in contravention of the provisions of the Lower Canada Game Act, in such case made and provided ;

Therefore, I command you, or any of you, forthwith to take possession of and seize the vessel (*or* boat) above described, and deliver up the same into my immediate custody, to be dealt with as the law directs.

Witness my hand and seal, this day of *18* .

J. S.

(As Justice of the Peace, Stipendiary or other Magistrate.)

(L. S.)

CAP. CIV.

An Act for the relief of certain Law Students in Lower Canada.

[*Assented to 16th August*, 1858.]

Preamble. WHEREAS certain Students at Law in Lower Canada have in good faith, though erroneously, supposed that Certificates of Admission to study law and Articles of Clerkship are not necessary to enable those who have served three years with a practising Attorney, and taken a Degree in Law in a University

University or College to be admitted to the Bar in Lower Canada, and have studied and served for some time under such erroneous impression, and it is expedient to afford relief to such Students by giving them the benefit of such study and service: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Students at Law otherwise qualified may be admitted to the Bar in Lower Canada on proof of having taken a Degree in Law and served three years with practising Attorneys before the passing of this Act, if articled two years before its passing.

1. It shall be lawful for the Council of any Section of the Bar of Lower Canada to admit to practise as a Barrister, Advocate, Attorney, Solicitor and Proctor, any Student at Law, otherwise duly qualified, who shall in any incorporated University or College, in which a Faculty of Law is established, have followed, before the passing of this Act, a regular and complete course of Law, as provided by the Statutes or regulations of the said University or College, and shall, before the passing of this Act, have taken a Degree in Law in such University or College; provided it shall appear to such Council that such Law Student has served a *bonâ fide* and continued Clerkship of three years, before the passing of this Act, with a practising Attorney, and that a certificate of admission to study Law was duly obtained and Articles of Clerkship were duly entered into by him at least two years before the passing of this Act, and duly enregistered.

CAP. CV.

An Act to amend the Act incorporating the City of Three-Rivers.

[*Assented to 16th August*, 1858.]

Preamble.

20 V. c. 129.

WHEREAS it is expedient to amend the Act passed in the twentieth year of Her Majesty's reign, intituled, *An Act to make more ample provision for the incorporation of the Town of Three-Rivers*: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Notice of election.

Section 8 amended.

1. Hereafter, notwithstanding the provisions of the eighth section of the said Act, the notice of the Election of the Mayor and Councillors for the said City may be signed by the officer who shall be designated to preside at the said election.

Three months' absence without leave to vacate seat of Mayor or Councillor.

2. Notwithstanding the provisions of the second paragraph of the eleventh section of the said Act, the Mayor or any Councillor who shall, without the permission of the Council, neglect or fail to attend the meetings of the said Council during three consecutive months, whether he be or be not absent from the said City, may be superseded in the manner provided in the said section of the said Act.

3.

Contestation of election of Mayor.

3. If the election of the Mayor be contested, the mode of proceeding in such contestation shall be the same as the contestation of elections of Councillors, or any one of them.

In case of absence of mayor for one month or more, provisional mayor may be appointed.

4. In addition to the power conferred on the Council, by the twenty-third Section of the said Act, of chosing, in the absence of the Mayor, one of their number to discharge the duties of Chairman during any meeting, whenever the Mayor shall be absent, or shall, in the opinion of the Council, be about to absent himself during the period of at least one month, the Council may appoint one of their number to act as pro-mayor, and during the absence of the Mayor all his powers shall be vested in the Councillor so appointed, who shall also perform all the duties of his office.

Property may be sold for arrears of taxes remaining unpaid for three years or upwards.

5. Notwithstanding any thing to the contrary in the forty-first section of the said Act, it shall be lawful for the Council to sell in the manner provided in the said section, any real property, whenever the taxes payable in respect of such property shall have remained unpaid for the space of three years, either before or since the passing of the said Act, or whenever three year's arrears of rent shall be found due; in case such property is situated on the common of the said City; and if the proprietor or occupant of any lot within the said City shall neglect or refuse to make, improve, repair, and keep in good order any road, street, lane, footway, fence, drain, or bridge, as required by law, it shall be lawful for the Council to make, improve, repair and maintain the same, and keep them in good order at the expense of such proprietor or occupant, and to recover the costs of such improvement or repair by the sale of the said lot or a portion thereof in the manner provided for in the case of arrears of assessment.

If the owner of any land refuses to repair the road, &c., as required.

Certain clauses of the said Act 20 V. c. 129, repealed.

6. The forty-sixth and forty-eighth sections of the said Act are hereby repealed, and henceforward all By-laws passed by the Council shall take effect on the day therein mentioned, and it shall not be necessary to publish or post up any notice thereof.

Council may take any road, bridge, &c., under his control.

7. In addition to the powers vested in the Council by the said Act, it shall be lawful for the said Council at any time to take the control of any road, public square, street, lane, side-walk, stream, drain or bridge in the said City, and the same to open, make, improve, repair, maintain, and keep in good order with the corporation moneys; and so soon as any such roads, public squares, streets, lanes, side-walks, streams, drains or bridges, shall come under the control of the said Council, all parties who may have been bound to open, improve, repair, and maintain the same, shall be discharged from the obligation of so doing, and thenceforward the said Council alone shall be responsible for the opening, making, improving

improving and repairing of the same, and for keeping them in good order.

Council may make By-laws for certain purposes.

8. It shall be lawful for the said Council of the City to make By-laws which shall be binding on all persons, for the following purposes, that is to say:

Wooden buildings.

1. To prevent or hinder the construction or erection of any building of wood within the limits of the said City, or in any part thereof, and to impose a penalty not exceeding twenty dollars for each day during which the parties shall infringe such By-laws, and such fine shall be recoverable in the manner provided by the forty-third Section of the said Act;

Accidents by fire.

2. To establish such rules and By-laws as the Council shall think expedient, to prevent accidents by fire.

Recital.

9. Whereas certain Regulations, Acts, and By-laws have been passed by the said Corporation, which is therein designated by the name of the Corporation of the City of Three-Rivers, (*La corporation de la cité de Trois-Rivières*); And whereas the seal of the said Corporation bears also the inscription of the Corporation of the City of Three-Rivers, (*La corporation de la cité de Trois-Rivières*), it is hereby enacted, That all the said Regulations, Acts and By-laws, in which the said Corporation shall have been designated as being the Corporation of the City of Three-Rivers (*La corporation de la cité de Trois-Rivières,*) or in which the said seal shall have been used, shall be as valid as if the name of the said Corporation had been correctly stated in the said Regulations, Acts and By-laws and on the said seal; and in future, the name of the said Corporation shall be "The Corporation of the City of Three-Rivers," (*La corporation de la cité de Trois-Rivières.*)

Certain By-laws of the Corporation confirmed.

Interpretation. 20 V. c. 129.

10. The words "the said Act," occurring herein, shall mean the Act passed in the twentieth year of Her Majesty's Reign, intituled, *An Act to make more ample provision for the incorporation of the Town of Three-Rivers;* the Interpretation Act shall apply to this Act, and it shall be deemed a Public Act.

Public Act.

CAP. CVI.

An Act to make more ample provision for the incorporation of the Town of St. Johns.

[*Assented to 16th August*, 1858.]

Preamble. 18 V. c. 100. 19, 20 V. c. 101. 20 V. c. 41.

WHEREAS the provisions of the Lower Canada Municipal and Road Act of 1855, and the Acts amending the same of 1856 and 1857, do not meet the present wants of the Town of St. Johns, and it has become necessary to make more ample provision for the internal management of the said Town: Therefore, Her Majesty, by and with the advice and consent of the Legislative

Legislative Council and Assembly of Canada, enacts as follows:

The said Acts repealed in so far as they relate to St. Johns.

1. 1. The three Acts, mentioned in the preamble to this Act, are hereby repealed, in so far as they relate to the Town of St. Johns;

Town of St. Johns incorporated.

2. The inhabitants of the Town of St. Johns, as hereinafter described, and their successors, shall be and are hereby declared to be a body politic and corporate, in fact and in law, by the name of the "Corporation of the Town of St. Johns," and by the same name they and their successors shall have perpetual succession, and shall have power to sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts and in all actions, causes, suits at law whatsoever, and shall have a Common Seal, with power to alter and modify the same at their will and pleasure; and shall be in law capable of receiving by donation, acquiring, holding and departing with any property, real or moveable, for the use of the said Town; of becoming parties to any contracts or agreements in the management of the affairs of the said Town; and of giving or accepting any notes, bonds, obligations, judgments, or other instruments or securities, for the payment of, or securing the payment of, any sum of money borrowed or loaned, or for the execution or guaranteeing the execution of any duty, right or thing whatsoever.

Corporate name and powers.

Boundaries of the Town.

3. The boundaries and limits of the said town of St. Johns shall be the same as those assigned to the village of St. Johns, by a certain Proclamation dated at the city of Montreal, the twentieth day of July, one thousand eight hundred and forty-eight, under the Hand and Seal at Arms of His Excellency the Right Honorable the Earl of Elgin and Kincardine, at that time Governor General of the Province of Canada, that is to say: the said town of St. Johns shall be bounded on the east by the River Richelieu, on the west by the lands of the second concession, on the north by the south line of the land of Samuel Vaughan as representing Harmon Vaughan, and on the south by the north line of the land of Nelson Mott, as representing Ephraim Mott, beginning on the west side of the river Richelieu, at the south-east corner of the said land of Samuel Vaughan; thence, running along the said south side of the land of Samuel Vaughan, north, seventy-nine degrees west, magnetically, thirty arpents, to the said second concession; thence, following the east line of the said second concession, south, one degree east, nine arpents two perches and one half perch; thence, along the said line of the second concession, south, twelve degrees and thirty minutes west, twelve arpents and three perches; thence, along the said line, south, ten degrees west, ten arpents, to the north-west corner of the said land of Nelson Mott; thence, along the said north line of the land of Nelson Mott, south, seventy-nine degrees east, twenty-nine arpents and seven perches,

to

to the edge of the river Richelieu aforesaid; thence, northerly, along the edge of the said river, to the place of beginning; containing eleven hundred and thirteen arpents of land in superficies, which, together with half the width of the said river Richelieu, in front of the said town of St. Johns, comprehends an area of one thousand two hundred and sixty-one arpents, more or less.

Mayor and 8 Councillors to be elected.

3. There shall be elected, from time to time, in the manner hereinafter mentioned, a fit and proper person who shall be and be called the Mayor of the said Town of St. Johns, and eight fit persons who shall be and be called Councillors of the Town of St. Johns; and such Mayor and Councillors for the time being, shall form the Council of the said Town, and shall be designated as such, and shall represent for all purposes whatsoever the Corporation of the Town of St. Johns.

Qualfication of Mayor.

4. 1. No person shall be capable of being elected Mayor of the Town of St. Johns, unless he shall have been a resident householder within the said Town for one year before such election, nor unless he be possessed to his own use of real estate, within the said Town, of the value of one thousand dollars, after payment or deduction of his just debts;

Qualification of Councillors.

2. No person shall be capable of being elected a Councillor of the said Town, unless he shall have been a resident householder within the said Town for one year before such election, nor unless he be possessed to his own use of real estate within the said Town, of the value of four hundred dollars, after payment or deduction of his lawful debts;

Further qualifications.

3. No person shall be capable of being elected Mayor or Councillors of the said Town of St. Johns, unless he be a natural-born or naturalized subject of Her Majesty, and of the full age of twenty-one years;

Who may not be Mayor or Councillor.

4. No person being in Holy Orders, or the Ministers of any religious belief whatever, the Members of the Executive Council, nor Judges, Sheriffs or Officers of any Court of Justice, Salaried Civil Functionaries, nor Officers on full pay in Her Majesty's Army or Navy, nor any person accountable for the revenues of the said Town, or receiving any pecuniary allowance from the Town for his services, nor any officer or person presiding at the election of the Mayor or the Councillors, while so employed, nor any person who shall have been convicted of treason or felony in any Court of law within any of Her Majesty's dominions, nor any person having in person or through his partner, any contract whatever or interest in any contract with or for the said Town, shall be capable of being elected Mayor or Councillor for the said Town; Provided always that no person shall be held incapable of being elected Mayor or Councillor for the said Town, from the fact of his being a shareholder in any incorporated

Proviso.

incorporated Company, which may have a contract or agreement with the said town;

Who shall not be bound to accept the said offices.

5. The following persons shall not be obliged to accept the office of Mayor or Councillor of the said Town, nor any other office to be filled by the Council of the said Town, viz: Members of the Provincial Legislature, practising Physicians, Surgeons and Apothecaries, Schoolmasters actually engaged in teaching, persons over sixty years, and the Members of the Council of the said Town, at the time of commencement of the present Act, or who have been so within the two years next preceding, and the persons who shall have fulfilled any of the offices under such Council, or paid the penalty incurred for refusal to accept such office, shall be exempt from serving in the same office, during the two years next after such service or payment.

Who may vote at elections.

5. The persons entitled to vote at the Municipal Elections of the said Town shall be the male inhabitant freeholders and householders of the age of twenty-one years, and residing therein, possessed at the time, of real property in the said Town, of the yearly value of four dollars currency, and tenants of the age of twenty-one years, who shall have resided in the said Town, and paid rent during six months, immediately preceding the election, on a dwelling-house or part of a dwelling-house, at the rate of not less than eighteen dollars currency per annum;

Proviso: voter must have paid his taxes, and the receipt may be demanded.

Provided always that no person qualified to vote at any Municipal Election in the said Town, shall have the right of having his vote registered, unless he shall have paid his Municipal and School taxes due before such election; and it shall be lawful for any candidate at the said election and the person presiding over the said election, to require the production of the receipts setting forth the payment of such assessment so due as aforesaid.

Mayor and Councillors now in office to remain until elections are held under this Act.

6. The Mayor and Councillors of the said Town who are at present in office, shall remain in office until the elections which are to take place by virtue of this Act, and all By-laws, ordinances, agreements, dispositions and engagements whatever, passed and entered into by the Municipal Council of the Town and Village of St. Johns, shall continue to have full and entire

Present By-laws to remain in force until altered, &c.

force to all intents and purposes as though this Act had never been passed, and until such time as the said By-laws, agreements or engagements shall be formally rescinded, abolished or fulfilled, and the said Corporation, as constituted under this Act, shall succeed and be substituted for all purposes whatsoever, in the engagements, rights and trusts of the Municipal Council of the Town of St. Johns, as constituted by the Acts referred to in the preamble of this Act.

When the municipal elec-

7. The municipal elections for the said Town, in virtue of this Act, shall be held in the month of January in each year, and

and public notice thereof shall be given at least eight days previous to such election in the French and English languages, by notices posted up at the doors of the churches, and in the market of the said Town, and read at the door of the Catholic Church in the said town, at the issue of Divine service in the morning of the Sunday preceding the election; and the said notice shall be signed for the first election in virtue of this Act, by the Registrar of the County of St. Johns, whose duty it shall be to preside at the said first election, and for all subsequent elections, the said notice shall be signed by the Mayor or the Secretary-Treasurer of the said Council, and shall specify the day, place and hour upon which the said elections are to take place.

tions shall be held: notice thereof.

Who shall preside.

8. 1. It shall be the duty of the Registrar of the County of St. Johns to preside at the first election which shall take place in the month of January next, and the poll shall be open for the reception and registration of votes from nine of the clock in the forenoon until four of the afternoon of the day appointed for the said election, provided the election shall not have taken place by acclamation; and at the said election each elector shall be entitled to vote for eight Councillors, and shall be entitled at the same time to vote for a Mayor of the said Town; and at the closing of the poll, the said President shall declare the eight persons who shall have obtained the greatest number of votes to be duly elected members of the said Town Council, and the person among the candidates for the Mayoralty who shall have obtained the greatest number of votes to be duly elected Mayor of the said Town of St. Johns; and in case any two or more of the candidates have an equal number of votes, then, and in that case only, the President shall give his casting vote in favor of such candidate or candidates as he shall think fit, and he shall give the said casting vote whether he be or be not entitled to vote himself;

Registrar to preside at the first election.

Mode of voting.

Mayor to be elected at the same time, &c.

Casting vote in case of a tie.

2 If the votes of all the electors present have not been polled by the hour of four in the afternoon of the first day of the said meeting, the person presiding shall adjourn the proceedings thereof to the hour of ten in the forenoon of the following day, when he shall continue to take down the votes; and he shall close the election at the hour of four in the afternoon of the said second day (whether any more votes remain to be polled or not), and shall then declare duly elected Councillors and Mayor, such of the candidates as shall be entitled to be so declared elected;

Voting may continue two days if one be insufficient.

3. If at any time after the votes have commenced to be polled, either on the first or on the second day of the said election, one hour elapse without any vote being polled, it shall be the duty of the person presiding, after the expiration of the said hour, to close the said election and declare duly elected as Councillors and Mayor, such candidates as shall be entitled

Poll to be closed if no vote be given for one hour.

to

Proviso.

to be so declared elected; Provided no person shall have been within the last hour prevented from approaching the poll by violence, of which notice shall have been given to the person presiding;

Duration of office of Mayor and Councillors.

4. The Mayor shall be elected for one year only, and shall remain in office until his successor shall have been appointed; the Councillors elected at any of the Municipal elections shall remain in office during two years, except those who shall have been elected at the first election, of whom four shall retire from office at the expiration of the first year, and it shall be declared by lot in the manner established by the Council which of the Councillors shall thus retire from office at the end of the first year;

How subsequent elections shall be conducted.

5. The subsequent annual elections of a Mayor and of four Councillors for the said town, shall take place in the same manner and within the same delays as the first, with the exception, however, that the said elections, instead of being presided over and conducted by the Registrar, shall be so by one of the members of the Council, who shall not retire from office, and who shall be appointed by the Council one month previous to the time fixed for the said election, and the said Councillor shall make a proclamation of the persons elected in the same manner, at the same hour, and in the same place as the Registrar for the first election, and the said Councillor, for all purposes relating to elections, shall have the same powers and the same duties as the Registrar for the first election;

Powers of person presiding, and his deputies.

6. The person who shall preside at an election shall, during such election, be a conservator of the peace, and shall be invested with the same powers for the preservation of the peace, and the apprehension, imprisonment, holding to bail, trying and convicting violators of the law, as are vested in the Justices of the Peace, and this, whether the said person presiding do or do not possess the property qualification of a Justice of the Peace, as required by law, and it shall be lawful for the President to appoint special constables in sufficient numbers to preserve peace at the said election, if he shall think it necessary or be required so to do by five electors.

Notice of first meeting of Council.

9. 1. The person presiding at any such election shall, within two days from the closing of the election, give to the Mayor and each of the Councillors so elected, special notice of their said election, as well as of the place, the day, and the hour appointed by him for the first meeting of the Council to take place after their said election; The Mayor and Councillors so elected shall enter respectively into office as such, at the said first meeting, and shall remain in office until the appointment of their successors;

Entry into office.

Poll books, &c., to be de-

2. The person presiding at any such election shall deliver up immediately to the Secretary-Treasurer of the Town Council, if

if such officer exist, and if not, then as soon as the said officer shall be appointed, the Poll Books kept at such election, together with all other papers and documents relating to the said election, certified by himself, to form part of the records of the said Council, and copies of the same, certified by the Secretary-Treasurer, shall be valid in any Court of Justice ; livered up to the Secretary Treasurer, &c.

3. The first session of the Council, after the first election, shall take place within eight days immediately following the said election, and at such meeting the Mayor and Councillors elected shall take the following oath before a Justice of the Peace: First sitting: Mayor and Councillors to take oath of office.

" I, A. B., do solemnly swear faithfully to fulfil the duties " of member of the Town Council of St. Johns, to the best of " my judgment and ability. So help me God." The Oath.

And the members then present, provided they form a majority of the Council, shall be authorized to act as the Council, and all members absent without just cause shall be held to have refused the office, and shall be liable to the fine hereinafter provided for in like cases, unless they be persons who are exempted from serving ;

4. The Mayor and Councillors elected at the elections subsequent to the first, shall enter into office on the day of their nomination, and a meeting of the Council shall take place within eight days after, in the same manner as after the first election, and the Mayor and Councillors elected shall take the same oath, and those absent, without just cause, shall be held to have refused the office, and shall be liable to the penalty provided in such cases, unless they be persons who are exempted from serving ; When the Mayor elected after first election shall go into office.

5. Five members of the Council shall constitute a quorum ; Quorum.

6. The expenses of every election shall be defrayed out of the funds of the Corporation. Expenses.

10. 1. In any case in which one of the persons elected shall refuse to act as Mayor or Councillor, or in case his election being contested shall be declared null, the electors of the town shall proceed to a new election, and elect a person to replace the said Councillor within one month after the said refusal shall have been made known, or that the said election shall have been declared null ; and if it be the Mayor who shall refuse to accept, or whose election shall have been declared null, the electors of the town shall proceed to a new election for such Mayor, within the same delay ; and the said election shall be conducted in the same manner as annual elections ; In case the Mayor or Councillors shall refuse to act. If the Mayor refuses, &c.

2.

In case of the absence, death or incapacity of Mayor or Councillors.

2. In case of the death of the Mayor or a Councillor, or in case of his absence from the Town, or incapacity of acting as such, either from infirmity, sickness, or any other cause, during three calendar months, the other Councillors, at the first meeting of the Council which shall take place after such decease, or at the expiration of the said period of three months, shall appoint from amongst the inhabitants of the town another Mayor or Councillor to replace the Mayor or Councillor so deceased, absent, or rendered incapable, as above mentioned;

Proviso: remaining Councillors empowered to act.

Provided, however, that notwithstanding the decease, absence, or inability to act, of the said Mayor, or the said Councillor, the remaining Councillors shall continue to exercise the same powers and fulfil the same duties which they would have had to exercise or fulfil, had not such decease, absence or inability to act on the part of the said Mayor or Councillor taken place;

Duration of office.

3. Every Mayor or Councillor, so elected or appointed to replace another, shall remain in office for the remainder of the time for which his predecessor had been elected or appointed, and no longer.

Presiding officer at election to take oath.

11. Before any person shall proceed to hold an election in conformity with this Act, he shall take the following oath, which any Justice of the Peace residing in the said town is hereby authorized to administer, that is to say:

The oath.

"I do solemnly swear, that I will faithfully and impartially, "to the best of my judgment and ability, discharge the duties "of Presiding Officer at the election which I am about to hold "for persons to serve as members of the Town Council of St. "Johns. So help me God."

Presiding officer to examine candidates upon oath as to qualification, if required so to do.

12. The officer presiding at any election under this Act shall have authority, and he is hereby required, at the request of any persons qualified to vote at such election, to examine on oath (*or* affirmation, *when the party is allowed by law to affirm*) any candidate for the office of member of the said Town Council, respecting his qualification to be elected to the said office; and shall also have authority, and he is hereby required, upon such request as aforesaid, to examine upon oath (*or* affirmation) any person tendering his vote at any election, and the oath to be administered by the Presiding Officer in both cases shall be in the form following, viz:

The oath.

"You shall true answer make to all questions put to you by "me in my capacity of Presiding Officer at this election, "respecting your qualification to be elected a member of the "Town Council, (*or* respecting your qualification to vote at "this election, *as the case may be.*) So help you God."

May put other questions.

And the Presiding Officer shall himself put the questions which he shall deem necessary.

13. If any person, being examined upon oath or affirmation under this Act as to his qualification to be elected or to vote, shall wilfully forswear himself, he shall be deemed guilty of wilful and corrupt perjury, and on conviction thereof, shall be subject to the same penalties as in cases of other wilful and corrupt perjury. Falseswearing to be perjury.

14. The said Town Council shall meet at least once in each month for the transaction of the business of the said town, and shall hold their sittings in the Town Hall or in any other place in the said town which shall have been set apart for the purpose, either temporarily or permanently; Provided always that one or several members, not sufficient to form a quorum, may adjourn any meeting of the Council which may not have taken place for want of a quorum, and such members, though not forming a quorum, are hereby authorized to compel the attendance of absent members at the regular or adjourned meetings as aforesaid, and to impose such penalties upon such absent members for a repetition of the offence, as may be provided by any By-law of the said Town Council for that purpose. Times and places of meeting of the Council. Proviso: as to adjournments and penalties for non-attendance.

15. It shall be lawful for the Mayor of the said Town, whenever he shall deem it necessary or useful, to call special meetings of the said Council, and whenever two members shall be desirous of obtaining such special meeting, they shall apply to the Mayor to call such meeting; and in the absence of the Mayor, or on his refusal to act, they may call such meeting themselves, on stating in writing to the Secretary-Treasurer of the said Council, their object in calling such special meeting, and the day on which they are desirous that it shall be held; and the said Secretary-Treasurer shall, upon receipt of such written notification, communicate the same to the other members of the Council. Mayor may call special meetings. And in case of his absence or refusal.

16. 1. If the election of all, or of one or more of the Councillors be contested, such contestation shall be decided by the Circuit Court of the District of Iberville; Decision of contested elections by Circuit Court.

2. Every such election may be so contested by one or more of the Candidates, or at least ten of the electors of the said Town; Who may contest.

3. The said contestation shall be brought before the Court, by a petition signed by the petitioner or petitioners, or by any Attorney duly authorized, setting forth in a clear manner the grounds of such contestation; And how.

4. A true copy of the petition, with a notice stating the day on which the said petition will be presented to the Court, shall be first duly served upon the Mayor, Councillor or Councillors whose election is contested, at least eight days before the day on which the said petition shall be presented to the Court; and a Form of proceedings.

return of the service shall be drawn up and signed in due form upon the original of the said petition, by the Bailiff who shall have made such service; but no such petition shall be received after the term next following the election thereby contested, unless such election took place within the fifteen days next preceding the first day of such term, in which case any such petition may be presented on the first day of the second term, but not later; nor shall any such petition be received, unless security for costs be given by the petitioners in the presence of a judge of the Superior or Circuit Court, or of the Clerk of the Circuit Court for the said District of Iberville, or his Deputy;

Time for contesting limited.

Courts may proceed in a summary manner.

Evidence.

5. If the Court be of opinion that the grounds set forth in the petition are sufficient in law to void the election, it shall order proof to be adduced, if proof be necessary, and the parties interested to be heard, on the nearest day which it shall deem expedient, and shall proceed in a summary manner to hear and decide the said contestation; the evidence may be taken down in writing or given orally in whole or in part, as the Court shall order; And if the trial of such contestation be not concluded at the close of the term of the Court during which it began, the Judge shall continue the same in vacation, and shall adjourn from day to day until he shall have pronounced his final judgment upon the merits of the same; and every such judgment so pronounced and all proceedings had in any such case in vacation shall have the same effect as if the same had been pronounced or had in term;

Judgment to be final.

What may be declared by the judgment.

6. The Court may, on such contestation, confirm the election or declare the same to be null and void, or declare another person to have been duly elected, and may, in either case, award costs to or against either party, which costs shall be taxed and recovered in the same manner, and by the same means, as costs are taxed and recovered in actions of the first class, with right of appeal, brought in such Circuit Court; and the Court may order its judgment to be served upon the Secretary-Treasurer of the Council, at the expense of the party condemned to payment of costs, as aforesaid;

With respect to defects or irregularities.

7. If any defect or irregularity in the formalities prescribed for the said election be set forth in any such petition, as a ground of contestation, the Court may admit or reject the objection, according as such defect or irregularity may or may not have materially affected the election.

In case any annual municipal election shall not be held.

17. In case it shall at any time happen that an Annual Municipal Election shall not be held, for any reason whatever, on the day when, in pursuance of this Act, it ought to have been held, the said Town Council shall not, for that cause be deemed to be dissolved, and it shall be lawful for such members of the said Council as shall not have retired from office, to meet again, for the purpose of fixing as early as possible a day

for

for the holding of such Annual Municipal Election; and in such case, the notices and publications required by this Act shall be published and posted up not less than one clear day before the election; and if, within fifteen days after the day on which such election ought to have been held, the members of the said Council shall have neglected to appoint a day for such election, they shall be liable to a fine of twenty dollars each, and such election shall then be held by the Registrar; And if it be the first election which has not taken place, then it shall be the duty of the Registrar to have it take place within the shortest possible delay.

Power to Council to impose penalties and imprisonment.

18. The said Council shall have power to punish by imprisonment, not exceeding fifteen days, or by a fine which shall not exceed, but may be less than forty dollars currency, any Councillor who may be guilty of serious disturbance or violence during its sittings, either by action, by word or in any other manner whatsoever.

Meetings to be public.

19. All meetings of the said Council shall be public, excepting only when the said Council shall enquire into the conduct of any members of their own body, for any causes whatsoever, in which case it shall be lawful for the said Council to sit with closed doors; And the said Council shall determine the mode of their proceedings, and shall have power to cause order to be observed by persons present during their sittings, and to punish by fine and imprisonment, or by one of the two, any act of contempt committed by any such persons present; Provided always, that no such fine shall exceed the sum of twenty dollars currency, and that no such imprisonment exceed the period of fifteen days.

Certain other powers of Council.

Contempts.

Proviso.

Fines limited.

Duties of Sheriff and Gaoler.

20. The Sheriff and Gaoler of the District of Montreal, and those of the District of Iberville, when there shall be a Gaol in the latter District, shall be bound, and they are hereby authorized and required to receive and safely keep until duly discharged, all persons committed to their charge by the said Town Council, or any member or officer thereof under the authority thereof.

Mayor to preside at Council meetings, and to have a casting vote, but neither he nor the Councillors to have any pay.

21. The Mayor of the said Town, if he is present, shall preside at the meetings of the Council, shall maintain order thereat, and shall have a right to express his opinion, but not to vote, on all questions which shall be brought before the said Council; Provided always, that when the said Councillors, after having voted on any question, shall be found to be equally divided, then, and in that case only, the Mayor shall decide the question by his vote, giving his reasons for it if he thinks proper; and neither the Mayor nor the Councillors shall receive any salary or emoluments from the funds of the Town during the time they shall remain in office; Provided also, that whenever the Mayor shall not be present at any regular or special meeting of the said Town Council, the Councillors present shall choose

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one of their number to fill the place of the Mayor during the sitting.

Secretary Treasurer appointed.

22. 1. The Council, at its first general session, or at a special session, held within the fifteen days, which shall follow the first day of such general session, shall appoint an officer who shall be called the "Secretary-Treasurer of the Town of St. Johns;"

Duties of Secretary Treasurer.

2. The Secretary-Treasurer shall be the custodier of all the books, registers, valuation-rolls, collection-rolls, reports, *procès-verbaux*, plans, maps, records, documents and papers kept or filed in the office or archives of the Council; he shall attend all sessions, and shall enter in a Register kept for the purpose all the proceedings of the Council, and he shall allow persons interested therein to inspect the same at all reasonable hours:

His certificate to make certain documents authentic.

and every copy or extract of or from any such book, register, valuation-roll, collection-roll, report, *procès-verbal*, plan, map, record, document or paper, certified by such Secretary-Treasurer, shall be deemed authentic;

Security to be given by him.

3. Every person appointed Secretary-Treasurer shall, before acting as such, give the security hereinafter mentioned;

Sureties; and for what bound.

4. He shall furnish two sureties, whose names shall be approved by a resolution of the Council, before they shall be admitted as such; all such sureties shall be jointly and severally bound together with the Secretary-Treasurer, and their obligation shall extend to the payment of all sums of money for which the Secretary-Treasurer may at any time be accountable to the Corporation, including principal, interest and costs, as well as the penalties and damages to which he shall become liable in the exercise of his office;

Security bonds.

5. Every such security bond shall be made by an Act before a Notary and accepted by the Mayor, and it shall be the duty of the Secretary-Treasurer to transmit to the Mayor a copy of the same;

To be registered: and its effects when registered.

6. Every such security bond, when duly registered in the registry office for the County of St. Johns, shall carry with it a hypothec (*hypothèque*) only on such immoveable property as shall have been therein designated; and it shall be the duty of the Chief Officer of the Council to cause it to be registered immediately on receipt thereof;

The Secretary Treasurer shall receive and pay out the moneys of the Corporation.

7. The Secretary-Treasurer of the Council shall receive all moneys due and payable to the Corporation, and he shall pay out of such moneys all drafts or orders drawn upon him by any person thereunto authorized by this Act, for the payment of any sum to be expended or due by the Municipality, whenever thereunto authorized by the Council, but no such draft or order shall

shall be lawfully paid by the said Secretary-Treasurer, unless the same shall shew sufficiently the use to be made of the sum mentioned in such draft or order, or the nature of the debt to be paid thereby;

Shall keep the books.

8. The Secretary-Treasurer shall keep in due form, books of account in which he shall respectively enter each item of receipt and expenditure, according to dates, mentioning at the same time the names of the persons who have paid any moneys into his hands or to whom he has made any payment respectively, and he shall keep in his office the vouchers for all expenditure;

To render attested accounts.

9. The Secretary-Treasurer shall render to the Council every six months, that is to say, in the months of June and December in each year or oftener, if required by such Council, a detailed account of his receipt and expenditure, attested by him under oath;

Books to be open to public.

10. The Secretary-Treasurer's books of account and vouchers shall, at all reasonable hours of the day, be opened for inspection, as well to the Council as to each of the members thereof, and the Municipal Officers by them appointed, as to any person liable to assessment in the Town;

He may be sued by the Mayor in the name of the Corporation.

11. The Secretary-Treasurer, or any other person who shall have filled the said office, may be sued by the Mayor in the name of the Corporation, before any tribunal of competent jurisdiction, for having failed to render an account, and in any such action he may be condemned to pay damages and interest for having failed to render such account; and if he renders an account, he shall be condemned to pay such balance as he shall acknowledge or declare to have in his hands, together with such other sums as he ought to have debited himself with, or as the Court shall think he ought to be held accountable for; and every judgment pronounced in any such suit shall include interest at twelve per cent. on the amount thereof, by way of damages, together with the costs of suit;

Damages in such suit.

Contrainte par corps.

12. Every such judgment shall carry *contrainte par corps* against the said Secretary-Treasurer, according to the laws in force in like cases in Lower Canada, if such *contrainte* be demanded in the action to compel the rendering of the said account;

Power of Council to appoint officers.

13. The Council shall have power and authority to appoint such other officers as may be necessary for carrying into effect the provisions of this Act, or of any By-law or regulation of such Council;

Officers retiring—their duties.

14. Every Municipal Officer, whether elected or appointed shall, within eight days from the day on which he shall cease to

to hold such office, deliver to his successor, if he be then elected or appointed, or if not, then within eight days after the election or appointment of such successor, all moneys, keys, books, papers and insignia belonging to such office ;

In case of death, or absence from Lower Canada.

15. If any such officer die or absent himself from Lower Canada without having delivered up all such moneys, keys, books, papers and insignia, it shall be the duty of his *heirs* or other legal representatives to deliver the same to his successor within one month from his death or from his departure from Lower Canada ;

His successor to have a right of action for certain purposes.

16. And in every such case the successor in office of every such officer shall, besides all other legal remedies, have a *right* of action before any Court of Justice, either by *saisie revendication*, or otherwise, to recover from such officer or from his legal representatives, or any other person in possession of the same, all such moneys, keys, books or insignia, together with costs and damages in favor of the Corporation ; and every judgment rendered in every such action may be enforced by *contrainte par corps* against the person condemned, according to the laws in force in such cases in Lower Canada, each time the said *contrainte* is demanded by the declaration.

Assessors to be appointed ; their duties.

23. The said Town Council shall have power, whenever they may deem advisable, to appoint three assessors or valuators of property, and it shall be the duty of the said assessors to estimate the rateable property in the said Town according to its real value, and in the manner and within the periods which shall be fixed by the said Town Council.

Assessors to take oath.

24. Every person so appointed assessor shall be bound, before proceeding to the valuation of any property in the said Town, to take the following oath before the Mayor of the said Town, or in his absence, before a Councillor, to wit :

The oath.

" I, , having been appointed one of the asses-
" sors of the Town of St. Johns, do solemnly swear, that I
" will diligently and honestly discharge the duties of that office
" to the best of my judgment and ability. So help me God."

Real property qualification.

25. The assessors who shall be appointed for the said Town shall be proprietors of real estate in the said Town of the value of at least six hundred dollars currency of this Province.

Proceedings of Council upon deposit of assessment roll.

26. When the assessors shall have made a valuation of all the rateable property of the said Town, they shall deposit the assessment-roll with the Secretary-Treasurer of the said Town, and notice of such deposit shall be given by the Secretary-Treasurer in the same manner as notice of an election of Councillors ; And at the next ensuing meeting of the said Council, the said assessment-

assessment-roll shall be produced, and if they desire it, examined by the Councillors ; and the assessment-roll shall be deposited in the office of the Secretary-Treasurer for the period of one month, dating from such meeting ; and during that period, it shall remain open to the inspection of all persons whose property shall have been estimated, or their representatives ; and within that period, persons considering themselves aggrieved may give notice in writing to the Secretary-Treasurer, of their intention to appeal to the said Town Council, complaining of any excessive valuation, and such appeal shall be tried by the said Council, at the first meeting which shall be held after the expiration of the month above mentioned ; and the said Council, after having heard the parties and their witnesses under oath, which shall be administered by the Mayor or presiding Councillor, shall confirm or alter the valuation, the change whereof shall have been prayed for, as to them shall seem just ; and at the same meeting the said assessment-roll shall be declared closed for three years ; unless, however, from the number of appeals, the Council shall be compelled to adjourn, in which case the said assessment-roll shall not be declared closed until all the appeals shall have been heard and determined ; Provided always, that if, after the said assessment-roll shall have been declared closed as aforesaid, any property in the said Town should suffer any considerable diminution in value, either through fire, demolition, accident or any other reasonable cause, it shall be lawful for the said Council, upon the petition of the proprietor, to instruct the assessors to reduce their valuation of such property to its then actual value ; And provided also, that if any omission shall have been made in the said assessment-roll, the said Council may order the assessors to value any property so omitted, in order to its being added to the roll ; And provided also, that the said assessors shall, when directed by the said Council, make a yearly valuation of the stocks of merchandise held in the said Town.

Proviso : as to diminution in value.

Proviso : as to omissions.

Proviso.

27. At the first meeting after each Annual Municipal Election, two persons shall be appointed by the said Town Council, to be Auditors of the accounts of the said Council ; and such Auditors shall take the following oath, before any one of the Justices of the Peace, residing in the said town, that is to say :

Two auditors of accounts to be appointed and sworn.

" I, , having been appointed to the office " of Auditor of the town of St. Johns, do hereby swear, that I " will faithfully perform the duties thereof, according to the " best of my judgment and ability ; and I do declare that I " have not directly or indirectly any share or interest whatever " in any contract or employment with, by, or on behalf of the " Town Council of the said town of St. Johns. So help me " God."

The oath.

28.

Duty of Auditors.

28. It shall be the duty of the Auditors to examine, approve, or disapprove of and report upon all accounts which may be entered in the books of the said Council or concerning them, and which may relate to any matter or thing under the control of, or within the jurisdiction of the said Town Council, and may then remain unsettled; and to publish a detailed statement of the receipts and expenditure, and of the assets of the said Council, in two newspapers (one in the English and the other in the French language) published or in circulation in the said town, at least fifteen days before the Annual Municipal Elections.

Detailed accounts to be published.

Real property qualification of auditors. Proviso: certain parties disqualified.

29. The Auditors who shall be appointed for the said town shall be proprietors of real estate therein of the value of at least four hundred dollars currency; Provided always, that neither the Mayor, Councillors, Secretary-Treasurer of the said town, nor any person receiving any salary from the said Council, either for any duty performed under their authority or on account of any contract whatsoever entered into with them, shall be capable of discharging the duties of Auditor for the said town.

Mayor to be Justice of the Peace.

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30. The Mayor of the said town shall, during the period of his office, be a Justice of the Peace for the said Town; Provided always, that he shall not be bound to take any other oath than the official one to act as such, any law to the contrary notwithstanding.

In what cases Councillors shall become disqualified.

31. Every person holding the office of Councillor of the said town, who shall be declared a bankrupt or shall become insolvent, or who shall apply for the benefit of any of the laws made for the relief or protection of insolvent debtors, or who shall enter into holy orders, or become a minister of *religion* in any religious denomination, or who shall be appointed a Judge or Clerk of any Court of Justice, or a member of the Executive Council, or who shall become responsible for the revenues of the town, in whole or in part, or who shall absent himself from the said town, without the permission of the said Council, for more than two consecutive months, or who shall not be present at the meetings of the said Council for a like period of two consecutive months, shall, by virtue of any one of these causes, become disqualified, and his seat in the said Council shall become vacant, and such person shall be replaced in accordance with the provisons of this Act; Provided always, that the word "Judge" employed in any part of this Act, shall not apply to a Justice of the Peace.

Vacancy to be filled.

Proviso.

Town Council may make By-laws for certain purposes.

32. It shall be lawful for the said Town Council, from time to time, to make such By-laws as may seem to them necessary or expedient for the internal government of the town, for the improvement of the place, for the maintenance of peace and good order, and for the good repair, cleansing, and draining of the

the streets, public squares, and vacant or occupied lots; for the prevention or suppression of all nuisances whatsoever, for the maintenance and preservation of the public health, and generally for all purposes connected with, or affecting the internal management or government of the said town.

May appoint and remove officers.

33. It shall be lawful for the said Town Council to appoint, remove and replace, when they shall think proper, all such officers, constables, and policemen as they shall deem necessary for the due execution of the laws and by-laws now in force or to be by them enacted hereafter, and to require from all persons employed by them, in any quality whatsoever, such security, as to them shall seem meet to ensure the due execution of their duties.

Council may levy taxes;

34. In order to raise the necessary funds to meet the expenses of the said Town Council, and to provide for the several necessary public improvements in the said town, the said Town Council shall be authorized to levy annually on persons and on moveable and immoveable property in the said town, the taxes hereinafter designated, that is to say:

Upon real property;

1. On all lands, town lots, and parts of town lots, whether there be buildings erected thereon or not, with all buildings and erections thereon, a sum not exceeding one half of a cent in the dollar on their whole value, as entered on the Assessment-Roll of the said town;

And upon certain moveable property.

2. On the following moveable property, a like annual sum of one half of a cent in the dollar at the value herein specified;

Every horse kept for covering mares, shall be rated at four hundred dollars;

Every horse kept for hire or gain, at sixty dollars;

Every horse above the age of three years, and kept for domestic purposes, at forty dollars;

Every bull, at fifty dollars;

Every ram, at twenty dollars;

Every head of horned cattle, aged two years and more, at twenty dollars;

Every covered carriage with four wheels, at two hundred dollars;

Every open carriage, with four wheels and two seats, at eighty dollars;

Every

Every curricle or light waggon, with one seat, at forty dollars;

Every two horse sleigh, at eighty dollars;

Every one horse sleigh at forty dollars;

Proviso: certain personal property exempted.

Provided always, that every winter or summer vehicle used solely for drawing loads, and all vehicles commonly called draught or work vehicles, as well as all farm stock, and all implements used for agricultural purposes, shall be exempt from any tax whatever;

Upon merchandize.

3. On all stocks in trade or goods kept by merchants or traders, and exposed for sale on shelves in shops or kept in storehouses, a tax of one half per cent. on the estimated average value of such stocks in trade;

Tenants.

4. On each tenant paying rent in the said town, an annual sum equivalent to three cents in the dollar on the amount of his rent;

Poll tax on male inhabitants.

5. On each male inhabitant of the age of twenty-one years who shall have resided in the said town for six months, and not being a proprietor or tenant, nor an apprentice, nor a domestic servant, an annual sum of one dollar;

Dogs.

6. On every dog kept by persons residing in the said town, an annual sum of one dollar;

On certain professions, trades, &c.

Public houses.

Pedlars.

Places of amusement.

Auctioneers and other traders.

Bankers.

Insurance Companies.

All callings whatever.

Workmen to be taxed in classes.

7. And it shall be lawful for the said Town Council to fix, by a By-law or By-laws, and to impose and levy certain annual duties or taxes on the proprietors or occupants of houses of public entertainment, taverns, coffee-houses, and eating-houses, and on all retailers of spirituous liquors; and on all pedlars and itinerant traders selling in the said Town, articles of commerce of any kind whatsoever; and on all proprietors, possessors, agents, managers, and keepers of theatres, circuses, billiard-rooms, nine-pin alleys, or other places for games or amusements of any kind whatsoever; and on all auctioneers, grocers, bakers, butchers, hawkers, carters, livery stable keepers, brewers and distillers; and on all merchants and manufacturers, and their agents; and on all proprietors or keepers of wood yards, or coal yards, and slaughter-houses, in the said Town; and on all money-changers or exchange-brokers, pawn-brokers, and their agents, and on all bankers and banks, and all agents of bankers and banks; and on all Insurance Companies or their agents; and generally on all commerce, manufactures, callings, arts, trades, and professions, which have been or which may be exercised in or introduced into the said Town, whether the same be or be not mentioned therein; and the workmen of all mechanical arts and trades exercised in the said

said Town, shall be divided into first and second classes, by the person appointed by the said Town Council to make the roll of moveable property, and shall be assessed at one dollar per annum for those of the first class, and at twenty-five cents for those of the second class; and every person in the said Town, practising the profession of a Lawyer, or of a Physician, or of a Land Surveyor, or of a Notary, or any other liberal profession, shall be assessed at the sum of three dollars annually; and the said Town Council may name a person or persons to make the roll of the persons and moveable property mentioned in the different parts of this section;

Lawyers, Doctors, &c.

Roll to be made.

8. And the said Council shall also have the power to fix the amount of personal commutation, that is to say, of the sum to be payable by each person liable to assist in keeping the streets and side-walks of the said Town in repair, and to refuse the labor of such person in keeping the same in repair, if the said Council should prefer to charge itself therewith; Provided always that every such sum demanded for personal composition shall be equitably established in proportion to the work to be done, and that by arbitration, if the parties concerned require it.

Commutation in respect to statute labor.

Proviso.

25. The said Council shall also have power to make By-laws:

Council may make By-laws with respect to:

1. For the concession of emplacements and for opening new streets in the common of the said Town, to such extent as may from time to time be required, and upon such conditions as the Council may deem proper, any law to the contrary notwithstanding:

Conceding lots and opening streets in the common.

2. For establishing one or more new market places; and for extending the market places now existing or which may be hereafter established; the whole subject to the payment of the damages which may be incurred by parties in consequence of their respective lands being encroached upon by the extension of such market places;

Markets.

3. For determining and regulating the duties of the Clerks of the markets in the said Town, and all other persons they may deem proper to employ to superintend the said markets; and for letting the stalls and other places for selling upon and about the said market places; and for fixing and determining the duties to be paid by any persons selling on any of the said markets, any provisions or produce whatever; and for regulating the conduct of all such persons in selling their goods; and to provide for the weighing or measuring, as the case may require, by the officers named for that purpose by the said Council, and on the payment of such fees as the said Council may think fit to impose on that behalf, of any thing or things sold or offered for sale on the said markets;

Clerks of markets, and their duties.

Weighing and measuring.

4.

Amending By-laws. 4. For amending, modifying or repealing all By-laws made by the Municipal Councils who have had the management of the internal affairs of the said Town;

Vehicles on markets. 5. For regulating and placing all vehicles in which any articles shall be exposed for sale on the said markets;

Sales in markets. 6. For preventing persons bringing articles of any kind into the said Town, from selling or exposing them for sale in any other place than the markets of the said Town;

Cordwood, &c. 7. For regulating the weighing and measuring of all cordwood, coals, salt, grain, lime and hay, brought or sold in the said Town, by strangers or persons residing therein;

Weights and measures. 8. For determining in what manner the said articles and all others shall be sold and delivered, whether by quantity, measure or weight, and for obliging all persons to observe in the above matters, the By-laws which the said Council shall hereafter deem useful to establish;

Obstructions. 9. For preventing obstructions of any nature whatsoever in streets;

Sales on public highways. 10. For preventing the sale on the public highway of any wares or merchandize whatsoever;

Sale of intoxicating liquors. 11. For restraining and prohibiting the sale of any spirituous, vinous, alcoholic or intoxicating liquor, or for authorizing such sale, subject to such restrictions as they may deem expedient;

Licenses. 12. For determining under what restrictions and conditions and in what manner the Revenue Inspector of the District of Iberville shall grant Licenses to Merchants, Traders, Shop-keepers, Tavern-keepers, and other persons to sell such liquors;

Sum payable. 13. For fixing the sum payable for every such License, provided that in any case it shall not be less than the sum which is now payable therefor, by virtue of the laws at present in force;

Regulation of shop-keepers. 14. For regulating and governing all Shop-keepers, Tavern-keepers, and other persons selling such liquors by retail, and in what places such liquors may be sold, in such manner as they may deem expedient to prevent drunkenness;

Sale of liquor to children, apprentices, &c. 15. For preventing the sale of any intoxicating beverage to any child, apprentice or servant;

Cruelty to animals. 16. For preventing the driving of vehicles at an immoderate pace in the said Town, or riding on horseback on the side-walks

walks of the said Town, or the barbarous or inhuman treatment of horses or other beasts, such as beating them excessively in order to oblige them to draw burthens of too great a weight;

Bread.

17. For regulating, fixing and determining the weight and quality of bread sold or offered for sale within the limits of the said Town;

Servants and apprentices.

18. For regulating the conduct and certain duties of apprentices, domestics, hired servants and journeymen in the said Town, and also certain duties and obligations of masters and mistresses towards such servants, apprentices and journeymen;

Gaming houses.

19. To prevent the keeping of gaming-houses, places for gambling or any description of houses of ill-fame in the said Town;

Pounds.

20. To establish as many public pounds as the said Council shall deem expedient to open for the impounding of animals of any species which may be running at large in the said Town;

Police.

21. For regulating, arming, lodging, clothing and paying a Police Force in the said Town, and for determining their duties;

Interments.

22. For fixing and regulating the places in which interments may take place within the said Town; for compelling the taking up of any body interred within the said limits contrary to this provision: Provided always that this paragraph shall not extend to prevent interments in the Churches in the said Town;

Proviso.

Enclosures.

23. To compel the proprietors of all land and real property within the said Town, their agents or representatives, to enclose the same; and to regulate the height, description and material of every such enclosure;

Draining and fencing of lands.

24. To compel the proprietors or occupants of lots of land in the said Town, having stagnant or filthy water upon them, to drain or raise such lands, so that the neighbors may not be incommoded, nor the public health endangered thereby; and in the event of the proprietors of such lands being unknown, or having no representative or agent in the said Town, it shall be lawful for the said Council to order the said lands to be drained, or raised, or to fence in and enclose them at their cost, if they are not already fenced in and enclosed; and the said Council shall have a like power if the proprietors or occupiers of such lands are too poor to drain, raise or fence in the same; and in every case the sum expended by the said Council

Council in improving such lands, shall remain as a special hypothec on such land, and have privilege over all other debts whatsoever, without it being necessary to register the same;

Encroachments.

25. To oblige all proprietors or occupants of houses in the said Town, to remove from the streets all encroachments or obstructions of any sort, such as steps, galleries, porches, posts or other obstacles whatsoever;

Old and ruinous buildings.

26. To cause to be pulled down, demolished and removed, when necessary, all old, or dilapidated walls, chimneys and buildings of any description that may be in a state of ruin, and to cause to be removed from the streets all sheds, stables, and other buildings erected on the level of any street, and to determine the time and manner in which the same shall be pulled down, demolished or removed, and by whom the expense thereof shall be borne;

Width of streets.

27. For regulating the width of streets to be opened hereafter in the said Town; for regulating and altering the height or the level of any street or side-walk in the said Town; Provided, that if any person shall suffer real damage by the widening, lengthening or altering the level of any street in the said Town, such damage shall be paid to such person, after having been assessed by arbitrators, if any of the parties shall require it;

Water and gas.

28. For defraying out of the funds of the said Town the expenses of furnishing the citizens with water, and of lighting the said Town with gas, or in any other manner, and for obliging the proprietors of real property in the said Town to allow the necessary works to be performed for such objects on their respective properties, and for obliging all proprietors to allow the necessary pipes, lamps and posts to be fixed in or upon their houses; Provided always, that in all such cases, the expense of all such pipes, lamps and other necessary works shall be defrayed by the said Council; And provided also, that the solidity of the buildings on and near to which they shall be so placed, shall be in no wise affected, and that any damages that may be caused shall be paid by the said Council, and that every proprietor shall be indemnified by the said Council;

Proviso.

Proviso.

Common sewers.

29. For assessing the proprietors of real property situate on any of the streets of the said Town, for such sum as shall be deemed necessary for making or repairing any common sewer in any of the streets of the said Town, such assessment being in proportion to the assessed value of such property; and for regulating the mode in which such assessment shall be collected and paid; Provided always, that the said Council shall not be authorized so to assess the proprietors in any street, for making

Proviso.

making such common sewers, unless the majority of the proprietors in such street shall have called for such assessment;

30. For assessing, at the request of the majority of the citizens residing in any of the streets or public squares of the said Town, all the citizens residing in such street or public square, in any sums necessary to meet the expense of sweeping, watering and keeping clean such street or public square, and for removing the snow from any such street, lane or public place, such assessment being in proportion to the assessed value of their property; Sweeping and watering, &c.

31. To assess, over and above all other rates specially established by this Act, all the citizens of the said Town, to meet the expenses of any indemnity which the said Council might be obliged to pay to persons in the said Town, whose houses or buildings of any description might be destroyed or damaged by any riot or tumultuous assembly; and if the said Council shall neglect or refuse within six months after such destruction or damages caused to any property in the said Town, to pay a reasonable indemnity to be established by arbitrators, if one of the parties shall so desire, then the said Council shall be liable to be sued for such damage in one of the Courts of Justice of this Province; Damages from riots and tumults.

32. To fix the place for the erection of any manufactories or machinery worked by steam in the said Town; Steam engines.

33. For establishing a Board of Health, and investing them with all the privileges, power and authority necessary for the fulfilment of the duties entrusted to them, or for acquiring every useful information on the progress or general effects of all contagious diseases, or for making such regulations as such Board of Health shall deem necessary for preserving the citizens of the Town from any contagious diseases, or for diminishing the effects or the danger thereof. Contagious diseases.

36. For the better protection of the lives and property of the inhabitants of the said Town, and for more effectually preventing accidents by fire, the said Council may make By-laws for the following purposes, that is to say: Prevention of accidents by fire.

1. For regulating the construction, dimensions, height and elevation of chimneys above the roofs, or even in certain cases above the neighboring houses and buildings; and at whose costs such chimneys shall be raised, and within what delay they shall be raised or repaired; Chimneys.

2. For defraying out of the funds of the said Town any expenses that the Council shall deem necessary to incur for the purchase of fire engines or apparatus of any kind to be used at fires, or for taking such means as shall appear to them most effective Fire engines.

effective for preventing accidents by fire, or arresting the progress of fires;

Thefts at fires. 3. For preventing thefts and depredations which may be committed at any fire in the said Town, and for punishing any person who shall resist or maltreat any member or officer of the said Council, in the execution of any duty assigned to him by the said Council under the authority of this section;

Enquiring into causes of fires. 4. For establishing or authorizing and requiring to be established after each fire in the said Town, a judicial enquiry into the cause and origin of such fire, for which purpose the said Council or any Committee thereof, authorized to the effect aforesaid, may summon and compel the attendance of witnesses and examine them on oath, which oath shall be administered to them by any of the Members of the said Council or of such Committee; and the said Council or Committee may also deliver over to be imprisoned in the common gaol of the district, any person against whom well grounded cause of suspicion may be found of his having maliciously originated the said fire;

Sweeping of chimneys. 5. For regulating the manner in which and the periods of the year when chimneys shall be swept, and for granting licenses to such numbers of chimney sweeps as the said Council shall think proper to employ, and for obliging all proprietors, tenants or occupants of houses in the said Town to allow their chimneys to be swept by such licensed chimney sweeps; and for fixing the rates to be paid for sweeping chimneys, either to the Council or such licensed chimney sweeps; and for imposing a penalty of not less than one dollar nor more than five dollars on all persons whose chimneys may have caught fire after any refusal to allow them to be swept, such penalty to be recovered before any Justice of the Peace of the said Town; and whenever any chimney which shall have caught fire as aforesaid, shall be common to several houses, or be used by several families in the same house, the said Justice of the Peace shall have power to impose the above penalty in full on each house or family, or to divide the same among them in proportion to the degree of negligence shewn on proof before him;

Ashes and quick lime. 6. For regulating the manner in which ashes or quick lime shall be kept in the said Town, and for preventing the inhabitants of the said Town from carrying fire in the streets without necessary precaution, from making a fire in any street, from going from their house to their yards and outbuildings and entering therein with lighted candles not enclosed in lanterns; and generally for making such regulations as they may deem necessary for preventing or diminishing accidents by fire;

Conduct at fires. 7. For regulating the conduct of all persons present at any fire in the said Town; for obliging idle persons to assist in extinguishing

extinguishing the fire, or in saving effects which may be in danger, and for obliging all the inhabitants of the said Town to keep at all times upon and in their houses, ladders, fire-buckets, battering rams, and fire-hooks, in order the more easily to arrest the progress of fires;

Persons wounded at fires.

8. For defraying out of the funds of the said Town any expense which the said Council shall deem expedient to incur, in aiding or assisting any person in their employ, who shall have received any wound or contracted any severe disease at any fire in the said Town; or in assisting or providing for the family of any person in their employ who shall perish at any fire; or in bestowing rewards in money or otherwise upon persons who shall have been particularly useful, or zealous at any fire in the said Town;

Demolition of buildings in certain cases.

9. For vesting in such members of the Council or in the Fire Inspectors, or either of them, to be designated in such By-laws, the power of ordering to be demolished during any fire, any houses, buildings, out-houses or fences, which might serve as fuel to the fire and endanger the other property of the inhabitants of the said Town;

Appointment of officers.

10. For appointing all such Officers as the said Council shall deem necessary for carrying into execution the By-laws to be passed by them in relation to accidents by fire; for prescribing their duties and powers, and providing for their remuneration, if they think fit, out of the funds of the said Town;

Authorizing officers to visit and inspect buildings, &c.

11. For authorizing such Officers as the Council shall think fit to appoint for that purpose, to visit and examine at suitable times and hours, both the inside and the outside of all houses and buildings of any description, within the said Town, for the purpose of ascertaining whether the rules and regulations passed by the said Council under the authority of this section are regularly observed, and for obliging all proprietors, possessors, or occupants of houses in the said Town, to admit such officers for the purposes aforesaid.

Duty of Secretary-Treasurer upon completion of collection-roll.

37. 1. The Secretary-Treasurer, when he shall have completed his collection-roll, shall proceed to collect the rates therein mentioned, and for that purpose shall give or cause public notice to be given on the following Sunday, or on any subsequent Sunday, that the collection-roll is completed and deposited in his office, and that all persons therein mentioned, liable to the payment of assessments are required by him to pay the amount thereof at his office within the twenty days which follow the publication of the said notice;

Duty with respect to arrears.

2. If, at the expiration of the said twenty days, there shall be any arrears of assessment, the Secretary-Treasurer shall leave at the ordinary place of residence or domicile of each

person so in arrears, or serve on each perso
sonally, a statement of the total amount of a
such person in arrears, and at the same tim
annexed to the said statement, he shall de
of the assessments therein mentioned, tog
penses of the serving of the notice, accordin
the Council shall have decided upon;

Proceedings in case of neglect to pay.

3. If any person neglect to pay the am
imposed upon him for a period of fifteen d
have been requested to do so as aforesaid,
surer shall levy the said assessments with
under the hand of the Mayor, authorizing t
of the goods and chattels of the person bou
or of all the goods and chattels in his po
they shall be found within the limits of t
dressed to one of the sworn bailiffs for the
of the Superior Court of Lower Canada,
thorized to seize and sell the said goods
ordinary manner; and no claim founded o
ship or privilege upon the same shall prev
payment of the assessments and expenses
of such sale.

From what parties taxes may be recovered.

38. Every tax or assessment imposed b
upon any property or house in the said To
ed either from the proprietor, tenant or occ
perty or house; and if such tenant or occu
lease or other stipulation to pay such tax
tenant and occupier may and shall be ent
sum so paid by him out of the rent which
pay for the possession of such property.

Case of absentee proprietor of vacant property, provided for.

39. In all cases where the persons wh
respect of any vacant ground or other real
Town, shall not reside within the said T
and assessments payable in respect of such
property, shall remain due and unpaid fo
years, then it shall be lawful for the said T
having obtained a judgment before the Circ
the District of Iberville, or any other Court
to sell and dispose such property by publi
thereof as shall be judged sufficient for the
due, with costs; and the Sheriff of the D
hereby authorized and required to advertise
under the authority of this section, in a Fre
in an English newspaper, published or circu
of Iberville, and the said Sheriff is also r
for the purpose of effecting such sale, a
the said Town of St. Johns, who shall be
said Council; Provided always, that all
sold under the authority of this section, sh

Proviso.

the same, within the space of one year such sale, on paying to the purchaser the chase money, with legal interest thereon, lay which may have been made on the of the said Council in virtue of this Act, , that the said purchaser shall have kept e same state and condition in which it purchase, and shall not have damaged riorate; together with the cost attendant an additional five per centum (over and on the purchase money and outlay as ided also, that if after such sale of persons residing out of the Town, any ver and above the sum due to the said t and costs, the said Sheriff shall pay he said Town Council, to whatever sum , and the said surplus shall be deposited l Town, as a loan, at the rate of six per nd claimed by the party to whom it shall same shall be paid. Proviso.

cil shall have power to remit a portion he amount due for assessment to indigent this Act, in certain cases of fire, long use which the said Council shall deem ent. Assessment may be remitted in certain cases.

hall transgress any order or regulation wn Council under the authority of this , for every such offence, forfeit the sum order, rule or regulation, with the costs Justices of the Peace who shall try such with the tariff then in force for the fees e said Justices of the Peace, and to ods and chattels of the offender, and goods and chattels, the offender shall mitted to the Common Gaol of the not exceeding one month, but which retion of the Court; and no person shall tent witness upon any information under his being a resident of the said Town of ways, that the information and complaint order or regulation of the said Town within one month next after the time of ; And provided also, that no fine or pe- d for any such offence, which shall be nor more than twenty dollars, and that any such offence shall, in any case, be r month, and the costs of transport in ment shall be borne by the said Town Council shall also have power to punish oods, articles and provisions, all persons exposing Penalties for infraction of By-laws. Proviso. Proviso.

exposing them for sale on the markets, in th
Town, and infringing at the same time the
Council as regards the weight and quality
ticles and provisions.

Taxes and assessment shall be privileged debts.

42. All the debts hereafter due to the
for all taxes or assessments imposed upon
veable property in the said Town, shall, b
be privileged debts, and shall be paid in pr
debts, and the said Town Council shall, in
bution of moneys, collocated in preference t

Proviso.

Provided always, that this privilege shall o

Proviso.

ments due for six years, and no longer;
that this privilege shall have its full and con
its being necessary to have recourse to regi

To whom penalties, &c., shall be paid.

43. All the fines and penalties recovere
sions of this Act, shall be paid into the han
of the said Town Council, and the proce
granted under this Act, shall form part of
the said Town, any law to the contrary not

By-laws, &c., to be published.

44. Before any By-law of the said Town
force or be binding, such By-law shall
English and French languages in one or
published or circulating in the said Town
any such newspaper containing any such
ma facie evidence of such publication to al

Evidence of By-laws.

ses whatsoever.

Council may effect loans.

45. It shall be lawful for the said Town
to time, to borrow divers sums of money fo
ments in the said Town, for the purpose
more market houses, or for draining the stre
the said Town with water, and generally f
the said Council shall deem useful or neces

Duties of Council with respect to loans.

46. Whenever the said Council shall c
the credit of the said Town, they shall be
hereby required to provide immediately for
annual interest upon such loans, which annu
in any case exceed the legal rate of interest in

Sinking Fund.

the said Council shall set aside a portion of th
payment of such interest; and the said Coun
ever they shall contract a loan, provide out
the establishment of a Sinking Fund, which
consist of a deposit made in a Savings' Ban
the periods when the interest on the said lo
a sum equivalent to a proportion of at least
the capital to be paid off; and the sum arisin
Sinking Fund shall remain deposited in su
with the interest which may accrue thereo

unt of the capital to be paid off; Provided Proviso: in certain cases no new loan to be contracted.
e interest and Sinking Fund united shall
annual revenues of the said Council, then
hall not be lawful for the said Council to
it being hereby intended that the said
ntitled to devote to the interest and Sink-
oans, any sum exceeding half of their
led also, that it shall be lawful for the said Proviso.
lender consent or require it, to deposit in
ders instead of in a Savings' Bank, the
shall have been agreed upon to form the
hich case the receipts given to the said
drawn up as to define what amount shall
count of interest, and what amount shall
he Sinking Fund.

ful for any one of the members of the Members of Council may order arrest of disorderly persons.
, individually, to order the immediate
drunken or disorderly or riotous person
disturbing the public peace within the
confine him in the Common Gaol of the
e of confinement, in order that such per-
ntil he can be brought before the Mayor,
ace, to be dealt with according to law.

ful for any constable, during the term of Powers of constables in certain cases.
d and arrest all persons whom he shall
blic peace within the limits of the said
person who shall be found sleeping in
highway, yard, or other place, or shall be
dling in any such place, and shall not give
or his conduct; and every such constable
rson into the custody of the constable who
of the prison, or any other place of deten-
n, in order to the safe keeping of the said
ll be brought before the Mayor or other
lt with according to law.

who shall assault, beat, or forcibly resist Persons assaulting constables in the execution of their duty, how dealt with.
ce officer appointed by virtue of this Act,
execution of his duty, or who shall aid or
on to assault, beat, or forcibly resist such
very such offender shall, upon conviction
ayor or a Justice of the Peace, be liable to
forty dollars currency, and to imprison-
wo calendar months, notwithstanding any
t to the contrary; Provided always, that it Proviso.
he said Council or any other officer, if the
proceed by indictment against any such
eless only one proceeding at law shall be

person so in arrears, or serve on each person in arrears, personally, a statement of the total amount of assessments, due by such person in arrears, and at the same time, and by a notice annexed to the said statement, he shall demand the payment of the assessments therein mentioned, together with the expenses of the serving of the notice, according to such tariff as the Council shall have decided upon;

Proceedings in case of neglect to pay.

3. If any person neglect to pay the amount of assessments imposed upon him for a period of fifteen days, after he shall have been requested to do so as aforesaid, the Secretary-Treasurer shall levy the said assessments with costs, by a warrant under the hand of the Mayor, authorizing the seizure and sale of the goods and chattels of the person bound to pay the same, or of all the goods and chattels in his possession, wherever they shall be found within the limits of the said Town, addressed to one of the sworn bailiffs for the district of Iberville, of the Superior Court of Lower Canada, who is hereby authorized to seize and sell the said goods and chattels in the ordinary manner; and no claim founded on a right of ownership or privilege upon the same shall prevent the sale or the payment of the assessments and expenses out of the proceeds of such sale.

From what parties taxes may be recovered.

38. Every tax or assessment imposed by virtue of this Act, upon any property or house in the said Town, may be recovered either from the proprietor, tenant or occupier of such property or house; and if such tenant or occupier be not bound by lease or other stipulation to pay such tax or assessment, such tenant and occupier may and shall be entitled to deduct the sum so paid by him out of the rent which he would have to pay for the possession of such property.

Case of absentee proprietor of vacant property, provided for.

39. In all cases where the persons who shall be rated in respect of any vacant ground or other real property within the Town, shall not reside within the said Town, and the rates and assessments payable in respect of such vacant ground or property, shall remain due and unpaid for the space of six years, then it shall be lawful for the said Town Council, after having obtained a judgment before the Circuit Court, in and for the District of Iberville, or any other Court of civil jurisdiction, to sell and dispose such property by public sale, or so much thereof as shall be judged sufficient for the payment of the sum due, with costs; and the Sheriff of the District of Iberville is hereby authorized and required to advertise such sale to be made under the authority of this section, in a French newspaper, and in an English newspaper, published or circulated in the District of Iberville, and the said Sheriff is also required to employ, for the purpose of effecting such sale, a bailiff residing in the said Town of St. Johns, who shall be designated by the said Council; Provided always, that all owners of property sold under the authority of this section, shall be allowed to resum

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resume possession of the same, within the space of one year next after the date of such sale, on paying to the purchaser the full amount of the purchase money, with legal interest thereon, and any necessary outlay which may have been made on the said property by order of the said Council in virtue of this Act, on condition, however, that the said purchaser shall have kept the said property in the same state and condition in which it was at the time of the purchase, and shall not have damaged it or allowed it to deteriorate; together with the cost attendant upon such sale, with an additional five per centum (over and above the interest) on the purchase money and outlay as aforesaid; And provided also, that if after such sale of property belonging to persons residing out of the Town, any surplus shall remain over and above the sum due to the said Council, for assessment and costs, the said Sheriff shall pay over such surplus to the said Town Council, to whatever sum the same may amount, and the said surplus shall be deposited in the funds of the said Town, as a loan, at the rate of six per cent. until called for and claimed by the party to whom it shall belong, to whom the same shall be paid. Proviso.

Assessment may be remitted in certain cases.

40. The said Council shall have power to remit a portion or even the whole of the amount due for assessment to indigent parties assessed under this Act, in certain cases of fire, long illness, or any other cause which the said Council shall deem reasonable and sufficient.

Penalties for infraction of By-laws.

41. If any person shall transgress any order or regulation made by the said Town Council under the authority of this Act, such person shall, for every such offence, forfeit the sum specified in any such order, rule or regulation, with the costs to be allowed by the Justices of the Peace who shall try such offences in accordance with the tariff then in force for the fees of the officers of the said Justices of the Peace, and to be levied on the goods and chattels of the offender, and in default of such goods and chattels, the offender shall be liable to be committed to the Common Gaol of the District, for a term not exceeding one month, but which may be less in the discretion of the Court; and no person shall be deemed an incompetent witness upon any information under this Act, by reason of his being a resident of the said Town of St. Johns; Provided always, that the information and complaint for any breach of any order or regulation of the said Town Council shall be made within one month next after the time of the offence committed; And provided also, that no fine or penalty shall be inflicted for any such offence, which shall be less than one dollar nor more than twenty dollars, and that no imprisonment for any such offence shall, in any case, be more than one calendar month, and the costs of transport in effecting such imprisonment shall be borne by the said Town Council, and the said Council shall also have power to punish by forfeiture of their goods, articles and provisions, all persons Proviso. Proviso.

exposing them for sale on the markets, in the streets of the said Town, and infringing at the same time the By-laws of the said Council as regards the weight and quality of such goods, articles and provisions.

Taxes and assessment shall be privileged debts.

42. All the debts hereafter due to the said Town Council for all taxes or assessments imposed upon moveable or immoveable property in the said Town, shall, by virtue of *this Act*, be privileged debts, and shall be paid in preference to all other debts, and the said Town Council shall, in all cases of distribution of moneys, collocated in preference to all other creditors;

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Provided always, that this privilege shall only apply to assessments due for six years, and no longer; And provided also, that this privilege shall have its full and complete effect without its being necessary to have recourse to registration.

To whom penalties, &c., shall be paid.

43. All the fines and penalties recovered under the provisions of this Act, shall be paid into the hands of the Treasurer of the said Town Council, and the proceeds of all licenses granted under this Act, shall form part of the public funds of the said Town, any law to the contrary notwithstanding.

By-laws, &c., to be published.

44. Before any By-law of the said Town Council shall have force or be binding, such By-law shall be published in the English and French languages in one or more newspapers published or circulating in the said Town, and any copy of any such newspaper containing any such By-law shall be *primâ facie* evidence of such publication to all intents and purposes whatsoever.

Evidence of By-laws.

Council may effect loans.

45. It shall be lawful for the said Town Council, from time to time, to borrow divers sums of money for effecting improvements in the said Town, for the purpose of building one or more market houses, or for draining the streets, or for furnishing the said Town with water, and generally for such purposes as the said Council shall deem useful or necessary.

Duties of Council with respect to loans.

46. Whenever the said Council shall contract loans upon the credit of the said Town, they shall be bound and they are hereby required to provide immediately for the payment of the annual interest upon such loans, which annual interest shall not in any case exceed the legal rate of interest in this Province; and

Sinking Fund.

the said Council shall set aside a portion of their revenues for the payment of such interest; and the said Council shall also, whenever they shall contract a loan, provide out of their revenue for the establishment of a Sinking Fund, which Sinking Fund shall consist of a deposit made in a Savings' Bank, annually, and at the periods when the interest on the said loan shall be paid, of a sum equivalent to a proportion of at least two per centum on the capital to be paid off; and the sum arising annually from the Sinking Fund shall remain deposited in such Savings' Bank, with the interest which may accrue thereon, until it shall be equa

equal to the total amount of the capital to be paid off; Provided always, that when the interest and Sinking Fund united shall absorb one half of the annual revenues of the said Council, then and in such case, it shall not be lawful for the said Council to contract new loans, it being hereby intended that the said Council shall not be entitled to devote to the interest and Sinking Fund of their loans, any sum exceeding half of their revenues; And provided also, that it shall be lawful for the said Town Council, if the lender consent or require it, to deposit in the hands of such lenders instead of in a Savings' Bank, the annual sums which shall have been agreed upon to form the Sinking Fund; in which case the receipts given to the said Council shall be so drawn up as to define what amount shall have been paid on account of interest, and what amount shall have been paid into the Sinking Fund.

Proviso: in certain cases no new loan to be contracted.

Proviso.

47. It shall be lawful for any one of the members of the said Town Council, individually, to order the immediate apprehension of any drunken or disorderly or riotous person whom he shall find disturbing the public peace within the said Town, and to confine him in the Common Gaol of the District, or other place of confinement, in order that such person may be secured until he can be brought before the Mayor, or a Justice of the Peace, to be dealt with according to law.

Members of Council may order arrest of disorderly persons.

48. It shall be lawful for any constable, during the term of his duty, to apprehend and arrest all persons whom he shall find disturbing the public peace within the limits of the said Town, and also every person who shall be found sleeping in any field, vacant lot, highway, yard, or other place, or shall be found loitering and idling in any such place, and shall not give satisfactory reasons for his conduct; and every such constable shall deliver such person into the custody of the constable who shall have the charge of the prison, or any other place of detention, of the said Town, in order to the safe keeping of the said person, until he shall be brought before the Mayor or other Magistrate, to be dealt with according to law.

Powers of constables in certain cases.

49. Every person who shall assault, beat, or forcibly resist any constable or Peace officer appointed by virtue of this Act, and engaged in the execution of his duty, or who shall aid or excite any other person to assault, beat, or forcibly resist such officer or constable, every such offender shall, upon conviction thereof before the Mayor or a Justice of the Peace, be liable to a fine of from four to forty dollars currency, and to imprisonment not exceeding two calendar months, notwithstanding any provisions of this Act to the contrary; Provided always, that it shall be lawful for the said Council or any other officer, if the offence be serious, to proceed by indictment against any such offender, but nevertheless only one proceeding at law shall be adopted.

Persons assaulting constables in the execution of their duty, how dealt with.

Proviso.

Properties exempt from taxation.

50. The following property shall be exempt from taxation in the Town of St. Johns :

1. All lands and property belonging to Her Majesty, Her Heirs and Successors, held by any public body, office or person in trust for the service of Her Majesty, Her Heirs and Successors ;

2. All Provincial property and buildings ;

3. Every place of public worship, presbytery and its dependencies, and every burying ground ;

4. Every public school house and the ground on which the same is constructed ;

5. Every educational establishment and the ground on which the same is constructed ;

6. All buildings, grounds and property occupied or possessed by hospitals or other charitable institutions;

Proviso : exemption not to extend to Crown property leased to private parties.

7. Every Court House and District Gaol and the grounds attached thereto; Provided always, that this exemption shall not extend to lots or to other buildings built upon lots leased or occupied by tenants under the Government or the Ordnance Department in the said Town; but such lands belonging to the Government or to the Ordnance Department occupied by tenants, shall be valued and assessed in like manner as other real property in the said town, and such rates or assessment shall be paid by the said tenants or occupiers thereof.

Certificates for tavern licenses to be granted by Council only.

51. From and after the passing of this Act, the said Town Council shall alone be authorized to grant and deliver certificates for obtaining Tavern Licenses, any law, usage or custom to the contrary notwithstanding ; and such certificates shall be signed by the Mayor and the Secretary-Treasurer of the said Council, and sealed with the seal of the said Council.

Limitation of actions for things done under this Act.

52. If any action or suit shall be brought against any person for any matter or thing done by virtue or in pursuance of this Act, such action or suit shall be brought within four calendar months next after the fact committed, and not afterwards.

Encroachments on public streets or squares.

53. It shall be lawful for the said Town Council to order the Inspector of the said Town to notify any parties who shall have made or shall hereafter make encroachments upon the streets or public squares of the said Town, by means of houses, fences, buildings, or obstructions of any kind, to cause the removal of such encroachments or obstructions by giving to such persons a reasonable delay for the purpose, which delay shall be specified by

by the said Town Inspector in giving his notice; and if such persons shall not have removed such encroachments or obstructions within the delay specified, the Council may order the said Inspector to remove such encroachments or obstructions, taking with him the assistance necessary for that purpose; and the said Council may allow to the said Inspector his reasonable expenses and recover the same before any Court having competent jurisdiction, from any person making such encroachment or obstruction.

Penalty for granting false receipts for rent in order to lessen taxes.

54. From and after the passing of this Act, every proprietor or agent who shall wilfully grant a certificate or receipt setting forth a less sum than the rent really paid or payable for the premises therein mentioned or referred to, and every tenant who shall present to the assessors of the said Town such a receipt or certificate, falsely representing the value of the rent paid by such tenant, in order to procure a diminution or abatement of his assessment, or who shall directly or indirectly deceive the said assessors as to the amount of such rent, shall be liable on conviction thereof, before the Mayor or a Justice of the Peace, to a penalty of twenty dollars currency or less, or to imprisonment during one calendar month or less, according to the judgment of such Mayor or Justice of the Peace.

Council may prevent re-erection of buildings in certain cases.

55. It shall be lawful for the said Council, whenever any house shall encroach upon any of the streets or public squares of the said Town, to prevent the proprietor of such house from rebuilding on the site occupied by the demolished house, and it shall be lawful for the Council to purchase any part of such lot encroaching upon any street, or to require the proprietor of such land to dispossess himself thereof, in consideration of an indemnity therefor, and such indemnity shall be fixed by arbitrators appointed respectively by the said Council, and by the party they are desirous of dispossessing; and the said arbitrators, in case of difference of opinion shall appoint a third; and the said arbitrators, after having been sworn by a Justice of the Peace, shall take cognizance of the matter in dispute, and after visiting the place in question, shall decide upon the amount of indemnity to be granted to such proprietor; and the said arbitrators shall be authorized to decide which of the parties shall pay the costs of arbitration.

Council may acquire lands for certain purposes.

56. The said Council shall have full and unlimited power to purchase and acquire out of the revenues of the said Town, all such lots, lands and real property whatsoever within the said Town, as they shall deem necessary for the opening or enlargement of any street, public square or market-place, or for the erection of any public building, or generally for any object of public utility of whatsoever nature.

Arbitration in cases of disagreement as to the value

57. When the proprietor of a lot which the said Council shall be desirous of purchasing, for any object of public utility whatsoever, shall refuse to sell the same by private agreement, or

of property taken for city purposes.

or in case such proprietor shall be absent from the Province, or in case such lot of land shall belong to infants, issue unborn, lunatics, idiots or *femes covert*, the said Council may apply to the Circuit Court of the District of Iberville, or to any other Court, for the appointment of an arbitrator by the said Court, to make, conjointly with the arbitrator appointed by the said Council, a valuation of such lot, with power to the said arbitrators, in case of a difference of opinion, to appoint a *third*; and when the said arbitrators shall have made their report to the said Council, at a regular meeting thereof, it shall be lawful for the said Council to acquire such lot on depositing the price at which it shall have been valued by the said arbitrators in the hands of the Prothonotary of the Superior Court in the District of Iberville, for the use of the person entitled thereto; and if no person entitled to such indemnity shall appear within six months after such amount shall have been deposited in the hands of such Prothonotary, to claim the sum so deposited, it shall then be lawful for the said Prothonotary, and he is hereby required to remit such sum to the Secretary-Treasurer of the said Council, to be deposited by him with the moneys of the said Town, and such sum shall bear interest at the rate of six per centum; and both the capital and the interest accruing thereon shall be payable by the said Council to any person entitled to receive the same, within three months after a formal notification to the Secretary-Treasurer of the said Town, to pay the same.

Penalties for refusal to accept office.

58. Every person who, being elected or appointed to any of the offices mentioned in the following list, shall refuse or neglect to accept such office, or to perform the duties of such office, during any portion of the period for which he shall have been so elected or appointed, shall incur the penalty mentioned in such list opposite the name or designation of *such office*, that is to say:

Mayor. The office of Mayor, thirty dollars currency;

Councillor. The office of Councillor, twenty dollars currency;

On Valuators neglecting their duties.

2. Whenever the valuators neglect to make the valuation which they are required to make under this Act, or neglect to draw up, sign and deliver the valuation-roll containing such valuation to the Secretary-Treasurer of the Council, within two months from the date of their appointment, every such valuator shall incur a penalty of two dollars currency for each day which shall elapse between the expiration of the said period of two months, and the day upon which such valuation-roll shall be so delivered, or upon which their successors in office shall be appointed;

Penalties for refusing to perform duties of office.

3. Every Member of Council, every Officer appointed by such Council, every Justice of the Peace and every other person who shall refuse or neglect to do any act, or perform any duty

duty required of, or imposed upon him by this Act, shall incur a penalty not exceeding twenty dollars, and not less than four dollars currency;

For voting without qualification.

4. Every person who shall vote at any election of Mayor or Councillors without having, at the time of giving his vote at such election, the qualification by law required to entitle him to vote at such election, shall thereby incur a penalty not exceeding twenty dollars currency;

On Inspectors of roads for neglect of duty.

5. Every inspector of roads who shall refuse or neglect to perform any duty assigned to him by this Act, or by the By-laws of the Council, shall, for each day on which such offence shall be committed or shall continue, incur a penalty of one dollar currency, unless some other and heavier penalty be by law imposed on him for such offence;

Penalties for hindering officers in the performance of their duties.

6. Every person who shall hinder or prevent, or attempt to hinder or prevent, any officer of the Council in the exercise of any of the powers or in the performance of any of the duties conferred or imposed upon him by this Act, or by any By-law or order of the said Council, shall incur a penalty of twenty dollars currency for every such offence, over and above any damages which he may be liable to pay;

Persons defacing notices, &c.

7. Every person who shall wilfully tear down, injure or deface any advertisement, notice or other document, required by this Act to be posted up at any public place, for the information of persons interested, shall incur a penalty of eight dollars for every such offence.

Penalties, how to be recovered.

59. All the penalties imposed by this Act, or by any By-law made by the Council, may be recovered before the Circuit Court of the District of Iberville, or before any Justice of the Peace residing in the said town; all penalties and fines incurred by the same person may be included in the same action, and in any such action the party failing shall be condemned with costs of suit, in accordance with the tariff of such Court.

Public Act.

60. This Act shall be held and deemed to be a Public Act, and the Interpretation Act shall apply thereto.

CAP. CVII.

An Act to revive and amend the Act intituled, *An Act to regulate the Common of Isle-du-Pads, in the County of Berthier.*

[*Assented to* 16*th August*, 1858.]

Preamble.

WHEREAS by an Act of the Legislature of the heretofore Province of Lower Canada, passed in the third year of the Reign of His late Majesty King William the Fourth, intituled,

3 W. 4, c. 33. intituled, *An Act to regulate the Common of Isle-du-Pads, in the County of Berthier*, a corporation was established for regulating the affairs of the said Common, which said Act expired on the First day of May, one thousand eight hundred and forty-three, and the corporation in consequence dissolved; And whereas divers inhabitants of the Parish of La Visitation de l'Isle-du-Pads, in the Seigniory of Chicot and Isle du Pads, interested in the said Common, have, by their petition to the Legislature, prayed that the said Act may be revived and amended, and it would be advantageous to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

First meeting for the election of a President and four Trustees.

1. Within six months after the passing of this Act, it shall be lawful for the inhabitants interested in the said Common of Isle-du-Pads to meet, after public notice of such meeting shall have been given by three or more of the parties interested in the said Common, and posted up and published during three consecutive Sundays at the doors of the Parish Churches of the said Parish of La Visitation de l'Isle-du-Pads and of the Parish of St. Cuthbert, at the issue of divine service in the morning, which said notice shall contain the place, day and hour of such meeting, for the purpose of electing, by the majority of the votes of the parties interested in the said Common then and there present, a President and four Trustees to manage the affairs of the said Common, and the said President and Trustees, so elected at the said first meeting, or at any other subsequent meeting in virtue of this Act, shall be, and they are hereby declared to be a corporation under the name of the *President and Trustees of the Common of Isle-du-Pads*, and under that name they shall have uninterrupted succession while this Act remains in force, and a common seal, and may sue and be sued in all Courts of Justice, and validly take all proceedings in relation to the execution of the duties imposed upon them by this Act.

Who shall preside at first meeting.

2. The said first meeting to be held in virtue of this Act and all other subsequent meetings in virtue of this Act shall be presided over by such persons present as the meeting may select, by the majority of the votes of the parties interested in the said Common, then and there present: Provided always, that if the said first meeting be not held at the place, day and hour appointed in the said notice for any reason whatsoever, another meeting of the parties interested may be called, presided over, held and conducted in the same manner and for the same purpose, either during the six or during the twelve months next after the passing of this Act; And provided also, that in case the election of the said President and Trustees, or of any one of them, be declared null by any competent judicial authority, it shall be lawful for the said parties interested in the said Common to meet again, after notice to that effect shall have been given in the form prescribed by the first section, for the purpose

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of

of replacing the President or Trustees, or Trustee whose election shall have been annulled as aforesaid.

Term of office of president and trustees.

3. The President and Trustees, elected in virtue of this Act, shall remain in office for two years from the time of their election, and at the end of that time they shall be replaced by an equal number of persons to be selected at a meeting of the parties interested in the said Common from amongst the parties so interested ; the said meeting shall be called by the retiring President by public notice, posted up and published in the manner provided in the first section of this Act.

President and trustees to make By-laws.

4. The President and Trustees, or the majority of them, shall draw up and prepare such By-laws concerning the said Common as they shal. think necessary ; but such By-laws shall not take effect until they shall be approved by the Superior Court sitting for the district within which the said Parish of La Visitation de l'Isle-du-Pads shall at that time be included ; the application for the ratification and homologation of the said By-laws shall be made to the said Court in the name of the said *Corporation*, after public notice duly given of such application, and posted and published at the doors of the parish churches of the said Parish of La Visitation de l'Isle-du-Pads and of the Parish of St. Cuthbert aforesaid, during the three Sundays preceding the day of such application, at the issue of divine service in the morning, setting forth the day on which the said By-laws are to be submitted to the Court for ratification, in order that any persons having a right so to do, may then and there submit to the said Court their reasons for opposing the homologation of the said By-laws ; Provided always, that nothing contained in this Act shall be deemed to derogate from or prejudice the rights of the seignior of the said seigniory of Chicot and l'Isle du Pads.

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Penalty for contravention of By-laws.

5. The President and Trustees, or a majority of them, may, in and by the said By-laws, impose such penalties not exceeding ten dollars currency, as they shall deem just and expedient against all parties contravening the said By-laws ; such penalties may be sued for and recovered by summary process before one or more Justices of the Peace, in the said County of Berthier, in the name of the said Corporation, and shall be levied by a seizure and sale of the moveables of the offender and paid over to the President of the said Corporation, who shall apply the same for the use and benefit of the said Common, and in default of payment of the said penalty within the period prescribed, or of the sufficiency of moveable property to satisfy the said judgment, the said offender may be imprisoned for any period not exceeding one month.

Further powers of president and trustees.

6. The said President and Trustees, in addition to the powers hereinbefore accorded to them, may proceed in law in the name of the said Corporation, before any Court of competent

competent jurisdiction, against any person or persons who shall encroach on the said Common, commit any act of violence therein, or who shall unlawfully claim the exercise of any right therein for the recovery of damages from such persons or for the disallowance of any right claimed by them within the said Common.

Assessment for defraying expenses of management of common.

7. Whenever it shall be necessary to incur expenses for the management, maintaining or improvement of the said Common, or for the doing of any act or thing, or the payment of any expenses in relation thereto, an estimate of such expenses shall be first drawn up by the said President and Trustees, or the majority of them; and they, or the majority of them, shall have power to impose and levy the amount of such estimate, and apportion the same among the proprietors or parties interested in the said Common in proportion to the rights or shares of each one therein; and in default of payment of any amount to be apportioned as aforesaid, the same shall be recoverable by summary process in the name of the President and Trustees of the said common before one or more Justices of the Peace within the said County of Berthier; and such Justice is hereby authorized to try, hear and determine and decide the said action, and issue execution against the goods and chattels of the defendant, for the payment of the amount of the judgment and costs of suit, and other subsequent costs; Provided always that such execution shall not issue before the expiration of eight days at least from the rendering of the judgment.

Exhibition of titles to common.

8. Whenever it shall be necessary to ascertain the persons who have, or pretend to have, a right in the said Common, and the rights or shares which each one now holds or hereafter may hold, for the purpose of making any apportionment of the costs and expenses which may be now or hereafter incurred, as provided in the foregoing section, or for any other object, it shall be lawful for the said President and Trustees, or the majority of them, to require all such persons to produce and exhibit their respective titles to such rights or shares, or to make known his rights as aforesaid, at the time and place which they shall appoint, public notice having been given by them for that purpose, and posted up and published on the two consecutive Sundays preceding the day so appointed, at the doors of the Parish Churches of the said Parish of La Visitation de l'Isle-du-Pads, and of the Parish of St. Cuthbert aforesaid, at the issue of divine service in the morning; and if any person interested in the said Common shall refuse or neglect to produce and exhibit his titles at the time and place mentioned or to give information as to how and in what manner and under what title these rights or shares came into his possession, he shall incur a penalty of two dollars currency, and one shilling currency for each day on which he shall refuse or neglect so to do; the said penalties to be sued for and recovered by the

Penalty for default.

the said President and Trustees in the manner prescribed in the fifth section of this Act.

Penalty for refusal to accept office, &c.

9. If any person who shall be lawfully called upon to accept any office or perform any duty under this Act, shall refuse to accept such office or neglect to perform such duty, or shall in any manner contravene the provisions of this Act, he shall incur, for every such offence, whether of commission or omission, a penalty of eight dollars currency, which shall be recoverable by any person who shall prosecute, either in his own name or in the name of the said Corporation, in the manner prescribed in the fifth section of this Act, and one half of the said penalty shall belong to the prosecutor, and the other half to the Corporation, to be employed for the use and benefit of the said Common.

Vacancies by death or absence how filled up.

10. In case of the death or absence for any period longer than twelve months from the County of Berthier, either of the President or of any of the Trustees, their office shall become vacant, and the President and remaining Trustees, or the remaining Trustees, as the case may be, shall select and appoint, by a vote of the majority, one from amongst the parties interested in the said Common, to replace the President or Trustee, as the case may be.

Statement of the accounts by retiring president and trustees.

11. At each general election, the retiring President and Trustees shall, at the meeting called for the said election, and before the election of their successors, present a clear and detailed statement of their administration, showing the receipts and expenditure; and they shall hand over to their successors any balance remaining in their possession at that time, together with all books, titles, plans and papers whatsoever, having reference to the said Common, then in their possession, and if they fail to pay the said balance or to hand over the said books, titles, plans and papers, in the manner above mentioned, they shall be liable to a prosecution before any Court of competent jurisdiction, jointly and severally by the said President and Trustees, their successors, in the name of the Corporation, in order that judgment may be obtained compelling them to pay the said balance to the Corporation, together with costs, and interest, or to deliver up as above the said books, titles, plans and papers.

Public Act. Short Title.

12. This Act shall be deemed a Public Act, and shall be known and cited as *An Act to incorporate the Common of l'Isle-du-Pads.*

CAP.

CAP. CVIII.

An Act to incorporate the Village of Arthabaskaville, in the County of Arthabaska.

[*Assented to 16th August*, 1858.]

Preamble.

WHEREAS during the year one thousand eight hundred and fifty-seven, application was duly made by the County Council of the County of Arthabaska, for the erection of the Village of Arthabaskaville in the said County, as hereinafter limited, into a Village under the "Lower Canada Municipal and Road Act of 1855," and the several Acts amending the same; And whereas, by reason of unforeseen delays the proclamation requisite to that end was not issued during the said year, and the erection of the said Village cannot therefore be made to take effect under the said Acts before the first day of January next; And whereas the inhabitants of the said Village, by petition to that end, have prayed for the passing of an Act to give effect thereto forthwith, and it is expedient to grant their request: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

18 V. c. 100.

Arthabaskaville described and incorporated as a Village.

1. From and after the passing of this Act, the Village of Arthabaskaville, comprising all the land contained within the limits of the lots numbered three, four, five and six in the second, third and fourth ranges respectively, of the Township of Arthabaska, and bounded to the west by the first range of the said Township, to the east by the fifth range thereof, to the south by the lots numbered two of the said second, third and fourth ranges thereof, and to the north by the lots numbered seven of the said second, third and fourth ranges thereof, shall, for all purposes of the said "Lower Canada Municipal and Road Act of 1855," and of all Acts amending the same, be detached from the Parish of St. Christophe d'Arthabaska, and the inhabitants thereof shall be, and they are hereby constituted a corporation or body politic, under the name of "The Corporation of the Village of Arthabaskaville," for all purposes of the said Acts, and to all intents as if the erection of such Village had taken place in ordinary course under the provisions of the said Acts.

First meeting for election of Councillors.

2. Immediately after the passing of this Act, it shall be the duty of the senior Justice of the Peace residing within the said Village, or in his default, then of any other such Justice of the Peace, to appoint the time and place for the holding of the first election of a Municipal Council therefor, and to give due public notice thereof, and to preside thereat, with all the powers by the said Acts vested in the person presiding at any such election.

3.

3. This Act shall in no wise discharge any land within the said Village, or any person from liability for any assessment or penalty imposed or incurred under the said Acts, within the said Parish of St. Christophe d'Arthabaska, before the passing hereof. Act not to affect liability for assessments, &c.

4. This Act shall be deemed a Public Act. Public Act.

CAP. CIX.

An Act to erect the Village known by the name of "Radnor Forges," into a separate Municipality under the name of "Fermont."

[*Assented to* 16*th August*, 1858.]

Preamble.

WHEREAS the Village known by the name of "Radnor Forges," situate in the Parish of St. Maurice, in the District of Three-Rivers, contains about four hundred inhabitants, and more than fifty occupied dwelling-houses, within a space less than thirty acres in extent, but cannot, under the present Municipal law, be erected into a distinct Municipality in consequence of the real property qualification required for members of Municipal Councils; And whereas the inhabitants of the said Village have, by their petition, prayed to be erected into a Village Municipality, and to be incorporated as the "Municipality of Fermont": Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Village of Fermont incorporated. Its boundaries.

1. From and after the passing of this Act, the Village at present known by the name of "Radnor Forges," bounded as follows, that is to say: all the land contained within the limits of lots Numbers twenty, twenty-one and twenty-two, in the south-east concession of the range of Ste. Marguerite, in the Seigniory of Cap de la Magdeleine, in the County of Champlain, and of lots eighteen, nineteen and twenty, in the north-west concession of the said range of Ste. Marguerite, in the said Seigniory, containing in all three hundred and fifty acres, or thereabout, in superficies,—shall be called "Fermont," and shall, for all the purposes of the Lower Canada Municipal and Road Act of 1855, and of all Acts amending the said Act, and of all Acts which may hereafter be passed to amend and consolidate the said Act and the said Acts amending the same, be detached from the Parish and Municipality of St. Maurice, and shall be erected into a Village Municipality by the name of the "Municipality of Fermont;" And the inhabitants of the said Municipality are hereby constituted a body corporate and politic for all purposes whatsoever, by the name of the "Corporation of the Village of Fermont;" and the style and title to be used by the Council of the said Corporation in all its proceedings shall be, the "Municipal Council of Fermont." Its corporate name and style.

2.

Who may elect and be elected.

2. The Electors, Mayor and Councillors, shall be the male inhabitants of the said Municipality, of the full age of twenty-one years, and proprietors of real estate within the limits of the said Municipality, of the value of twenty-five pounds currency at the least, or being occupants as tenants or otherwise of houses worth at the least a yearly rental of seven pounds ten shillings currency, any law to the contrary notwithstanding.

First meeting of electors; how called and held.

3. As soon as possible after the passing of this Act, the senior Justice of the Peace resident within the said Municipality, or if there be no such Justice of the Peace, the senior resident Militia Officer, shall issue a public notice to be read and posted up during eight days in the most public and frequented place within the said Municipality, calling upon the Municipal electors to assemble at the said place on the day appointed in the said notice, and at nine o'clock in the forenoon of the said day, in order then and there to elect seven Municipal Councillors to constitute the Municipal Council of the said Municipality, and he shall preside at the said election which shall be held under the provisions of the Lower Canada Municipal and Road Act of 1855.

Election of Councillors.

If the party calling the meeting be a candidate.

4. If the party presiding at such meeting be or become himself a candidate, he may appoint any other Municipal elector to preside at such election.

Future elections to be held as in other places.

5. After the first election shall have been held in the manner above mentioned, all subsequent proceedings and elections shall take place in accordance with the provisions of the said Lower Canada Municipal and Road Act of 1855, and of all Acts amending the same now in force, and of all Acts which may hereafter come in force to amend or supersede the said Act.

Powers and duties of the Municipal Council of Fermont.

6. The said Municipal Council and the said Corporation of the Village of Fermont shall have all the powers, rights, privileges and advantages, and shall fulfil all the obligations and duties of a local Municipality under the provisions of the said Lower Canada Municipal and Road Act of 1855, and of any Acts now in force amending the same, or which may hereafter come in force amending or superseding the said Act, and of any other Acts now in force which may come in force hereafter, in the same manner as if the erection of the said Village of Fermont into a local and Village Municipality had taken place under the provisions of the said Lower Canada Municipal and Road Act of 1855, and of the Acts now so amending the same.

Appointment of Assessors, and making assessment-roll.

7. As soon as the Municipal Council shall have been organized by the election of a Mayor and a Secretary-Treasurer, the Council may proceed to the appointment of three Assessors, who shall make an assessment of all the assessable property in the said Village, in the manner provided for in the Lower Canada Municipal and Road Act of 1855.

Public Act.

8. This Act shall be deemed a Public Act.

CAP.

CAP. CX.

An Act to authorize the Senate of the University of Toronto to appropriate certain Lands for the purposes of a Park, and to include the same within the limits of the City of Toronto, and to extend the Police Regulations of the said City to the University Lands adjacent thereto.

[*Assented to 16th August*, 1858.]

Preamble.

WHEREAS the Chancellor, Vice-Chancellor and Members of the Senate of the University of Toronto, deem it expedient, with a view to the interests of the said University, to set apart a certain portion of the Lands now vested in Her Majesty on behalf of the said University, for the purposes of a Park; And whereas the Mayor, Aldermen and Commonalty of the City of Toronto, have offered to put in order the said Park, take charge thereof and keep the same in order, in consideration that the same may be appropriated as a Public Park, to which the public generally shall have free access; And whereas it is for the interests of the said University that such offer should be accepted, and that such appropriation should be sanctioned by Legislative enactment; And whereas it is expedient that such Park should form part of the said City of Toronto, and that the other lands vested in Her Majesty as aforesaid, adjacent to the City of Toronto, should be subject to the Police Regulations of the said City: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

University may lease to City, not exceeding 50 acres of land, adjacent to the City for a Park.

1. The Bursar of the University of Toronto may demise at a nominal rent, for a period of nine hundred and ninety-nine years, to the Mayor, Aldermen and Commonalty of the City of Toronto, for the purposes of a Park, as well for the use of the Professors, Students and other Members of the University, as of the public generally, and for no other purpose whatsoever, so much of the land vested in Her Majesty as aforesaid, situate within or adjacent to the limits of the said City, as the said Chancellor, Vice-Chancellor and Members of the Senate of the said University may, by By-law approved of by the Governor in Council, set apart for such purposes, not exceeding in the whole fifty acres, in trust for the said purposes, and upon such terms and conditions as may have been heretofore or may hereafter be agreed upon between them.

Land so leased to be part of the City, and residue of the University lands adjacent to be subject to its Police Regulations and By-laws.

2. So long as the said lease shall remain in force, the land so demised shall be deemed to be and shall be taken to form a part of the said City of Toronto; and the residue of the lands so vested in Her Majesty as aforesaid, adjacent to the said Park, shall be subject to all the Police Regulations of the said City of Toronto, and to all By-laws of the said City in that behalf.

CAP. CXI.

An Act to provide for the selection of a County Town for the County of Bruce.

[*Assented to 16th August*, 1858.]

Preamble.

19, 20 V. c 19.

WHEREAS by virtue of the Act passed in the session held in the nineteenth and twentieth years of Her Majesty's Reign, intituled, *An Act to separate the County of Bruce from the County of Huron*, and of the Act passed in the now last Session of Parliament to explain the Act above cited, the Governor in Council has, by proclamation dated the fifteenth day of June, one thousand eight hundred and fifty-seven, appointed the Town of Walkerton, to be the County Town of the said County of Bruce; And whereas the Provisional Council of the said County, by their Petition, have prayed, that an Act may be passed to enable the Municipal Electors of the said County of Bruce to select a County Town for the said County,—that six places may be submitted for the selection of the said Electors, namely, the Villages of Kincardine, Southampton, Walkerton, Paisley, Greenock, and Inverhuron, all in the said County, and that one of the above named places, which shall receive the greatest number of votes of the said Electors, may be the County Town; And whereas the Inhabitants of the said County have by their Petition prayed that an Act may be passed to avoid the said Proclamation, declaring the Village of Walkerton the County Town of the said County of Bruce, but that the selection of a County Town for the said County of Bruce shall be left to the decision of the Governor in Council,—and that each Town or Village in the said County desiring to do so, shall present to the Governor in Council its respective claims in writing, and that from among them a choice shall be made; And whereas the Provisional Council of the said County of Bruce have refused to pass a By-law to raise the necessary funds for the erection of the County Buildings, at Walkerton: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Proclamation avoided.

1. The Proclamation of the Governor appointing Walkerton the County Town is hereby avoided.

Selection left to Governor in Council.

2. The selection of the County Town shall be left to the decision of the Governor in Council, and a new Proclamation shall issue appointing the County Town in accordance with such decision.

Claims of places submitted.

3. Each place desiring to do so, shall present its claims in writing to the Governor in Council, before the first day of October next, and the choice shall be made from among such places.

4.

4. The Provisional Council of said County of Bruce, shall, *before* any action shall be taken by the Governor in Council, *vote* the necessary supplies for the said County Buildings, and pass a valid By-law for raising and applying the same. Provisional Council to vote supplies before the choice is made.

5. The decision of the Governor in Council shall be final. Decision to be final.

6. This Act shall be deemed a Public Act. Public Act.

CAP. CXII.

An Act to limit the amount of Municipal Taxation on certain lands within the City of Hamilton.

[*Assented to 16th August*, 1858.]

WHEREAS the Honorable Malcolm Cameron, the owner in fee of lots numbers twenty and twenty-one in the second concession of the Township of Barton, in the County of Wentworth, hath by his petition to the Legislature represented, that when he purchased the said lots in the year one thousand eight hundred and forty-one, they were not included in the city (then the town) of Hamilton; that the said lots were separated from the rest of the city by a considerable tract of vacant ground, and by a wide and deep ravine; and that when the said Town was constituted a City in the year one thousand eight hundred and forty-six, he consented to have the said lots included within the City, in the hope that the said vacant ground would be built upon as part of the City, and that the said ravine would be bridged by the Corporation; but that this has not been done, and that the said vacant ground has not been built upon, but on the contrary a large portion thereof has been converted into a public Cemetery, and he finds it impossible to sell any part of the said lots for building purposes, and that they are completely cut off from the City, while they are nevertheless burthened with heavy taxes; for all which reasons he has prayed that he may be relieved as regards the amount of taxation upon the said lots for Municipal purposes; And whereas it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. Upon, from and after the first day of January next, and until the expiration of ten years from that day, no portion of the said lots, whether built upon or not, or whether otherwise improved or not, shall be assessed at a higher actual value than the rate of forty dollars per acre of actual value, or two dollars and forty cents of yearly value, and such assessed value shall be held to include the value of all buildings and The lands mentioned in the Preamble not to be assessed above a certain value, during ten years.

 other

other improvements thereon, and the Municipal taxes shall be imposed and collected upon no greater value upon any portion of the said lots during the said period of ten years; any Act or Law to the contrary notwithstanding.

Public Act. 2. This Act shall be deemed a Public Act.

CAP. CXIII.

An Act to change the limits of the Town of Collingwood.

[*Assented to 16th August*, 1858.]

Preamble. WHEREAS the Municipal Council of the Town of Collingwood, and others, have, by their petitions, represented that certain farm lots in the Township of Nottawasaga, have been erroneously included within the limits of the said Town, to the great inconvenience of the inhabitants, and have prayed that the said lots may be withdrawn from and declared to be without the said limits: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain lands to be no longer within the Town. 1. The lots numbers forty-one and forty-two, in the tenth concession of the Township of Nottawasaga, shall hereafter be deemed to be without the limits of the Town of Collingwood, and within the limits of the said Township, and shall be free from all rates and taxes heretofore imposed or to be imposed on property in the said Town by the Corporation thereof, any thing in the Act passed in the twentieth year of Her Majesty's reign, intituled, *An Act to incorporate the Town of Collingwood*, to the contrary notwithstanding. 20 V. c. 96

Public Act. 2. This Act shall be deemed a Public Act.

CAP. CXIV.

An Act to legalize certain By-laws of the Municipality of Berlin, and for other purposes.

[*Assented to 16th August*, 1858.]

Preamble. WHEREAS the President and Directors of the Preston and Berlin Railway Company have by their Petition prayed that an Act be passed to declare certain subscriptions by the Municipality of the village of Berlin, of stock in the said Preston and Berlin Railway Company, valid and binding in law, and to grant them relief as to certain irregularities in the By-laws authorizing the same; And whereas it appears that the municipality of the village of Berlin, did, through their governing body, agree to take stock in the said undertaking to the extent of ten thousand

thousand pounds, and that upon the faith of such agreement, contracts were given out for the construction of the said Railway, to be paid in part by the Debentures of the said municipality, and that a certain By-law (bearing date the second day of October, one thousand eight hundred and fifty-five, and numbered thirty-two) was passed and unanimously approved of by the rate-payers, for taking stock in the Company to the extent of five thousand pounds, and for issuing debentures in payment thereof, and that such stock was duly subscribed by the municipality, and debentures issued therefor as aforesaid; And that by a certain other By-law of the municipality (bearing date the twenty-eighth day of April, one thousand eight hundred and fifty-seven, and numbered forty-five) passed and unanimously approved of by the rate-payers, the Reeve of the said village was authorized to take five thousand pounds additional stock in the Company, and was required to issue debentures therefor, but which stock was not subscribed, nor the debentures issued therefor; And that afterwards it was discovered that the By-laws were defective, and the debentures which had been so issued were thereupon delivered to the municipality, for the purpose of amending the By-law, and issuing new debentures under such amended By-law; And further, that the rate-payers had refused to pass such amended By-law, and that the municipal council had thereupon refused to redeliver the said debentures, but had, contrary to justice and good faith, wrongfully defaced and destroyed the same, and refused to carry out their said engagement for the subscription of stock; And whereas upon the faith of such subscription and agreement, contracts were given out, and the said road constructed and opened for traffic on the second day of November, A. D., one thousand eight hundred and fifty-seven; and it would be manifestly unjust that the Company should be deprived of the payment on which they relied, and it is expedient therefore under all the circumstances to grant relief to the said Company: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

The By-laws mentioned in the Preamble to be valid.

1. The said By-laws authorizing the said subscriptions shall be and are hereby declared to be good and valid in law, notwithstanding any defects; and the said municipal council shall be deemed to have legally subscribed for the five thousand pounds of stock authorized to be subscribed for by the first above mentioned of the said two By-laws, and are hereby declared to be stockholders in the said undertaking for the said five thousand pounds; but as to the other five thousand pounds of the said stock authorized to be subscribed for by the other of the said two By-laws, nothing herein contained shall at all affect any right or recourse whatsoever, either of the said Company or of the said Municipality in respect thereof, save only that the said municipality shall be precluded from asserting, setting up or pleading any illegality or informality which may at any time have existed in respect of such second By-law; Provided always,

Council to be held to have subscribed for certain stock.

Proviso: as to the further

stock alleged to have been subscribed for.

always, that any claim on the part of the said Company for the enforcement of any rights whereto they may pretend in respect of such other five thousand pounds of stock, or of the said second By-law, shall be set up and commenced within the period of three months after the passing of this Act, and the omission to set up and commence such claim as aforesaid within the said period of three months, shall operate as an acknowledgment that they have not any such claim, and they shall be wholly debarred thereafter from setting up, commencing and prosecuting any claim whatever in respect of such other five thousand pounds of stock, or of the said second By-law.

Stock may be paid for in debentures.

2. The said municipality of the village of Berlin shall nevertheless be at liberty to pay the amount of the said stock, or any portion thereof, in their debentures (with coupons attached) payable to the bearer at the end of twenty years, at the office of the Treasurer of the said village in Berlin, and not elsewhere, bearing interest at six per cent. per annum, payable half yearly; Provided the said municipality shall cause such debentures to be issued in due and binding form and delivered to the Secretary, or other Chief officer of the said Company, for the said first above mentioned five thousand pounds of stock within two months after the passing of this Act, and for the said other five thousand pounds within two months after the rendering of any judgment or decree to that effect which may be rendered by a competent Court for the enforcing of any claim which the said Company may have set up in the premises as aforesaid.

Proviso: Within what time they must be delivered.

If duly paid, Company to continue their Railway to their depot.

3. If the said ten thousand pounds of stock shall be paid up within the periods hereinbefore limited in that behalf, and if the Council of the said municipality shall, within two months after such payment, by a resolution, require the same, it shall be incumbent on the said Company, within a reasonable time thereafter, to cause their line of Railway to be continued to their depot to be established at or near the station of the Grand Trunk Railway.

Public Act.

4. This Act shall be deemed a Public Act.

CAP. CXV.

An Act to annex certain lots in the Gore of Camden to the Townships of Euphemia and Dawn.

[*Assented to 16th August, 1858.*]

Preamble.

WHEREAS the Townships of Euphemia and Dawn, both in the County of Lambton, are, for a distance of about two miles, separated by a narrow strip of land, now forming part of the Gore of Camden in the County of Kent, and consisting of small broken lots of ground lying between the front line of

of Euphemia and the River Sydenham, which there forms the front line of Dawn, and great inconvenience is thereby occasioned to the inhabitants as well of the said strip of land as to those of the said Townships, and the village of Florence, which includes part of the said strip of land, lies partly in the Township of Camden and County of Kent, and partly in the Township of Euphemia and County of Lambton; And whereas the said inhabitants have prayed that the alterations hereinafter mentioned may be made: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Part of the said Gore annexed to Euphemia and part to Dawn.

1. Upon, from and after the first day of January, one thousand eight hundred and fifty-nine, lots sixteen, seventeen, eighteen and nineteen, in the said Gore of Camden, and so much of lot fifteen therein as lies to the northward of the division line between the Townships of Zone and Euphemia, prolonged westward to the River Sydenham, shall be annexed to and form part of the Township of Euphemia and County of Lambton; and lots twenty, twenty-one, twenty-two, twenty-three and twenty-four, in the said Gore of Camden, shall be annexed to and form part of the Township of Dawn and County of Lambton.

Act not to affect liability for debts.

2. Nothing herein contained shall affect or be construed to affect any taxes imposed for the payment of any debts contracted by the Municipality of the Gore of Camden, or by the Municipal Council of the County of Kent; but the said portions of the Gore of Camden, united by this Act to the Townships of Euphemia and Dawn, respectively, shall be liable to pay to the Treasurers of the Gore of Camden, and of the County of Kent respectively, in each and every year until such debts be fully discharged, the same amount as was collected within the same towards the payment of such debts for the year one thousand eight hundred and fifty-seven.

Certain portions of assessment-roll of Camden for 1858, to be furnished to Clerks of Euphemia and Dawn.

3. The Clerk of the Township of Camden shall furnish to the Clerk of the said Township of Euphemia a copy of the Assessment-Roll of the Township of Camden for the present year one thousand eight hundred and fifty-eight, so far as the same contains the rateable property assessed, and the names of the owners thereof, within that part of the said Township which will be hereby annexed to the Township of Euphemia,— and to the Clerk of the Township of Dawn a copy of the said Assessment-Roll so far as it contains the rateable property assessed, and the names of the owners thereof, within that part of the said Township of Camden which will be hereby annexed to the Township of Dawn; and such copies shall be furnished on demand of the said Clerks of Euphemia and Dawn, respectively, at any time after the passing of this Act.

Act not to affect seats of Councillors.

4. Nothing in this Act shall affect the seat of any Municipal Councillor for the said Township of Camden, elected before the passing of this Act.

Public Act.

5. This Act shall be deemed a Public Act.

CAP. CXVI.

An Act to amend the Acts of Incorporation of the Great Western Railway Company.

[*Assented to 16th August*, 1858.]

Preamble.

WHEREAS the Great Western Railway Company have entered into arrangements with the Government of this Province for the repayment of the amount advanced to the Company under an Act of the Province of Canada, passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to provide for affording the Guarantee of the Province to the Bonds of Railway Companies on certain conditions, and for rendering assistance in the construction of the Halifax and Quebec Railway;* And whereas, to enable them to raise the funds required for this purpose, it is necessary that they should have the authority of Parliament to increase their Capital; And whereas it is desirable to regulate the terms under which such increase shall be effected; And whereas it is also desirable to make some further regulations in reference to the issue and rights of the Bonded Debt of the Company: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

12 V. c. 29.

£2,000,000 may be added to the capital of the Company, in new shares.

1. The Great Western Railway Company are hereby authorized to increase their capital stock to the extent of two million pounds currency, in addition to their present Capital, by creating an additional number of shares of such an amount each as the Directors of the Company from time to time may determine; Provided always, that such additional Share Capital shall be authorized at a meeting of the Shareholders to be called for that purpose, by the vote of two thirds of such Shareholders present at the meeting, either in person or by proxy.

Proviso.

Directors may issue the new shares in such manner as they think proper.

2. It shall be lawful for the Directors for the time being, and they are hereby authorized to issue and dispose of the said new shares from time to time, at such times and in such quantities thereof at a time, and at such place and places, and at such price and prices (as to premium or otherwise,) and in such manner and on such terms as to the time and mode of payment and otherwise, as to them shall seem most advisable; And if the Directors shall think it expedient, such new shares or any portion or portions of them may be issued with or under a guarantee, whereby the holders thereof shall be guaranteed and

Any portion of them may be guaranteed

and secured out of the general revenues of the Company, by way of preferred dividends, and in priority of the ordinary dividends of the Company, such rate of dividends (not exceeding seven pounds per centum per annum on the amount paid up upon such new shares) as the Directors shall fix and determine upon in respect thereto, before or at the time of issuing such new shares or any of them; but such preferred dividends shall nevertheless be subject and postponed to the payment of the interest on the ordinary or non-convertible Bonds, as well as the convertible bonds, made or to be made, and issued by the said Company under the stipulations and within the limits for the issue of Bonds as prescribed by this Act, until such bonds shall have been converted into stock; and such preferred or guaranteed dividends shall be paid and payable half-yearly, at the same time as herein provided for the payment of the ordinary dividends of the Company; Provided always, that the proprietors of any such new shares issued with or under such guarantee shall not be entitled to vote either in the election of Directors, or at general meetings, or otherwise howsoever, or be entitled to any profit or dividend, whether funded or divided, beyond the rate so guaranteed in respect of such new shares; and provided also, that the Directors shall not issue preference shares until the authority for the issue shall have been sanctioned by a two thirds vote of shareholders present by proxy or otherwise at a general meeting specially called for such purpose.

to produce 7 per cent. dividends.

But subject to the payment of the Company's bonds.

Proviso: such guaranteed shares not to confer votes.

3. And whereas it may be expedient to raise the amount of money required by a perpetual Debenture Stock; therefore, it shall be lawful, if the Directors think it advisable, to raise the money, or a portion of the sum required to pay off the Government Loan, by the issue of a perpetual Debenture Stock, to be treated and considered as a part of the regular debenture debts of the Company, as defined and regulated by this Act, such debentures not bearing a higher rate of interest than six per cent. per annum.

Money required to pay off the Government loan may be raised by issue of perpetual debenture stock.

4. And whereas the said Company have issued and may continue to issue their Bonds; And whereas the said Company have issued their Bonds to borrow money under the powers conferred upon them and may continue to issue the same whenever it may be by them deemed expedient to avail themselves of the power of borrowing money by such means; And whereas the power to issue such Bonds is at present unlimited, and it is expedient in consequence of the desire of the Shareholders, that such right with regard to their protection, should be limited: Therefore, it shall not be lawful for the said Company to borrow or raise money on their terminable Bonds to a greater extent than one half of their authorized Capital Stock, whether such Capital shall be in consolidated stock, ordinary shares or preference shares; And all Bonds issued or to be issued by the said Company under the corporate powers contained in this

Recital.

Power to borrow money limited.

Bonds to be a mortgage on

the Railway, &c., and their order of priority.

this or in any other Act conferring such p
shall be a first Mortgage and Lien upon t
Lands and other property of the Company
pledged and shall stand pledged for the
said Bonds and the interest thereon, now
issued as aforesaid, which said Bonds sh
lien in accordance with the dates at which

Proviso: as to Government loan.

due; Provided always that nothing here
affect the priority of the Government Loan
have been paid and discharged.

Words "Railway," &c., how to be construed as regards the G. W. R. Company.

5. The words "Railway," "Roadway
in this Act, or in any other of the Statutes o
the late Province of Upper Canada, now p
be passed, shall, as far as regards the Grea
Company, include and be construed to
Bridges, Stations, Freight and Station H
other works, Machinery and the land co
Engines, Vessels, Carriages, Trucks and t
which may be necessary or convenient to

Proviso.

of any railway; Provided always, that not
contained shall be held to alter the present
way to taxation under the Assessment Law

And with respect to the Consolidation o
Be it enacted as follows:

All or any of the shares in the Company's stock may be consolidated into a general stock.

6. It shall be lawful for the said Com
time, with the consent of three fifths of the
holders present in person or by proxy at any
the Company, when due notice for that purp
given, to convert or consolidate all or any
or non-preferential Shares then existing i
Company, and in respect whereof the whol
shall have been paid up, into a general
divided amongst the Shareholders accordin
interests therein.

After such conversion, certain enactments to have no effect, and any amount of stock to be transferable.

7. After such conversion or consolidatio
place, all the provisions contained in th
Act relating to the incorporation of the Gre
Company, which require or imply that the Ca
shall be divided into shares of any fixed amou
by numbers, shall, as to so much of the
been so converted or consolidated into Stoc
no effect, and the several holders of such
forth transfer their respective interests there
such interests, in the same manner and
regulations and provisions as or according
in the Capital of the Company might be t
provisions of this Act or the General Acts inc
pany; and the Company shall cause an

some book to be kept for that purpose, of every such transfer; and for every such entry they may demand any sum not exceeding the prescribed amount, or if no amount be prescribed, a sum not exceeding two shillings and six pence. Fees on transfer.

8. The Company shall from time to time cause the names of the several parties who may be interested in any such stock as aforesaid, with the amount of the interest therein possessed by them respectively, to be entered in a book to be kept for that purpose, and to be called *The Register of Holders of Consolidated Stock*, and such book shall be accessible at all seasonable times to the several holders of shares or stock in the undertaking, on a payment of a fee of two shillings and six pence. Register of consolidated stock.

9. The several holders of such stock shall be entitled to participate in the dividends and profits of the Company, according to the amount of their respective interests in such stock, and such interests shall, in proportion to the amount thereof, confer on the holders thereof respectively, the same privileges and advantages for the purpose of voting at meetings of the Company, qualification for the office of Directors, and for other purposes, as would have been conferred by shares of equal amount in the capital of the Company, but so that none of such privileges or advantages, except in the participation of the dividends and profits of the Company, shall be conferred by any aliquot part of such amount of consolidated stock as would not, if existing in shares, have conferred such privileges or advantages respectively. Rights of holders of consolidated stock. As to fractions of shares.

10. And whereas the said Railway Company have, in the exercise of their powers, acquired lands which are and may hereafter be unnecessary for them to hold: Therefore, it shall be lawful for them to sell and dispose of all such lands as they may now or hereafter deem superfluous, and upon payment to them of the purchase money agreed upon, they shall convey such lands to the purchasers thereof by Deed under their Common Seal, and a Deed so executed shall be effectual to vest the lands comprised therein in the purchaser of the said lands, as though he had acquired the same from the party or parties from whom the same had by the said Railway Company been obtained. Recital. Company may dispose of lands no longer needed by them.

11. And whereas the Great Western Railway Company, in order to form connections with Railways in the United States of America, has to lay down its rails out of the Province of Canada, and to provide facilities at stations and otherwise, for consolidating its traffic; Therefore, the Great Western Railway Company shall have full power and authority to use its funds, by way of loan or otherwise, in providing proper connections, and in promoting its traffic with Railways in the United States of North America, provided that no such expenditure shall be incurred Recital. Company may use its funds on works in the United States.

incurred unless sanctioned by a vote to that end of two thirds of the shareholders voting in person or by proxy at a general meeting of the shareholders specially called for that purpose;

Proviso. Provided always, that the power hereby granted shall not be construed so as to prevent any other Railway Company from using its funds in providing the same connections, and promoting its traffic with Railways in the said United States; And

Proviso. provided also, that whenever any other Railway Company shall desire to make such connections, the said Great Western Railway Company shall be bound to assent to the same on

Proviso. equitable and reasonable terms; And provided further, that the loan of seven hundred and fifty thousand dollars already made by the said Company to the Detroit and Milwaukie Railway Company is hereby declared to be lawful.

Recital. **12.** And whereas under the earlier Acts incorporating the Great Western Railway Company, an office for the Transfer of Stock was established in England in the City of London, and a section of the Board of Directors appointed there have exercised certain ministerial functions, parts of which said Acts have been repealed, and parts relating thereto are yet in force, and to make clear those portions of the Acts which are unrepealed; it is therefore declared and enacted, that the said Company has had and shall have full power and authority to establish and maintain an office in England, in the City of London, for the purpose of regulating and carrying on the business of issuing and transferring shares and bonds, and generally to do all matters and things that may be necessary or desirable in regard to the transferring of or arrangements connected with the capital of the Company held out of Canada, and that all such acts and proceedings shall be considered precisely the same as if carried on in the office of the Company in Canada.

The Company might and may transfer shares, &c., at their office in London, England.

Recital. **13.** And whereas there is no express provision for the width of the arches of Bridges erected or to be erected, in the Acts incorporating the Great Western Railway Company, and it is proper to provide for the same as is required by the General Railway Clauses Consolidation Act; Therefore, the span of the arch of any Bridge hereafter to be erected or altered for carrying the Railway over or across any highway, shall at all times be and be continued of the open and clear breadth and space under such arch of not less than twenty feet, and of a height from the surface of such highway to the centre of such arch, of not less than twelve feet, and the descent under any such bridge shall not exceed one foot in twenty feet.

Height and span of arches over highways.

Company may cut down trees standing near their road. **14.** And for further assimilation to the Railway Clauses Consolidation Act, the Company shall have power and authority to fell or remove any trees standing in any woods, lands, or forests where the Railway shall pass, to the distance of six

Proviso. rods from either side thereof; Provided always that compensation be

be made for any damage or injury done to the owners of such trees, woods, lands or forests, to be ascertained and determined as damages to lands are now liable to be adjusted.

Recital. **15.** And whereas the Great Western Railway Company have, in the construction of their railway, encroached upon certain proposed streets or allowances for streets, or highways or roads, and not only such as known as original allowances, but which encroachments have been licensed by the respective parties in whom the title to the said streets was vested and by the Municipality within whose boundaries the said original allowances are situated; Therefore, all highways, roads or streets which have been occupied by the Great Western Railway Company, with the written assent of the Municipality within which the same are situated, shall be hereby declared vested in them to the extent of the user permitted or enforced by the said Municipality; and all proposed or contemplated streets occupied by the said Company, or which they have been permitted to occupy by the license of the owner in fee, and which shall not lead to any place beyond the said railway, shall be deemed closed, and the occupation by the said railway shall be and is hereby declared to be lawful; saving nevertheless, the civil rights and remedies of all parties who may have sustained or shall sustain any damage or injury by reason of obstruction or injury to any such highway; and nothing herein contained shall be construed to bar or prejudice any party or parties, in or from any remedy at law or in equity in the nature of a civil action or proceeding against the said Company, or other parties, for obstructing or injuring any such highway, but such civil actions and proceedings may be had, taken and prosecuted in the same manner and to the same extent as if this Act had not been passed, but not hereby giving any right which does not now exist; and provided that nothing herein contained shall affect the private rights, if any, of Charles Hunt, in the Village of Windsor.

Occupation of roads, &c., by the Company, confirmed.

Saving of certain rights.

Proviso.

Public Act. **16.** This Act shall be deemed a Public Act.

CAP. CXVII.

An Act to amend the Acts relating to the Ontario, Simcoe and Huron Railroad Union Company, and to grant further facilities to the said Company.

[*Assented to 16th August*, 1858.]

Preamble. WHEREAS it is expedient to alter the name of the Ontario, Simcoe and Huron Railroad Union Company, the mode of electing the Directors thereof, and to grant further powers and facilities to the Company to enable them to consolidate their debt and to complete the Railway and works in the manner and to the extent necessary to ensure the full benefit

benefit to be derived from the undertaking: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Name of Company changed.

Proviso: Change not to affect suits, &c.

1. The name of the Company shall be "The Northern Railway of Canada," and not "The Ontario, Simcoe and Huron Railroad Union Company;" Provided always that nothing herein contained shall be construed to make the said Corporation a new Corporation, or to make void or impair the effect of any proceeding, deed, instrument or writing in which the said Corporation shall be designated by its former name, but such proceeding, deed, instrument or writing shall and may hereafter be continued, construed and have effect as if the name hereby assigned to the Corporation had been assigned to it by the former Acts, and was inserted in such proceeding, deed, instrument or writing instead of the name therein used.

Present debentures to be called in and new ones issued: except as to those held by the Province.

2. It shall be lawful for the Company to call in any outstanding bonds of the said Company, exclusively of those granted to and now held by the Government of Canada, and in lieu thereof, to issue to the holders thereof other bonds of the said Company, which said bonds, together with all other bonds issued under this Act, shall be under the seal of the Company, signed by the President or other presiding officer and countersigned by the Secretary of the Company, payable at twenty years from the date thereof in sterling money or otherwise, and at such place or places in this Province or elsewhere as the said Directors shall think fit, and the same shall bear date the day of their execution, with interest after the rate of six per cent. per annum.

Company may borrow an additional sum of £200,000 sterling.

3. For the purpose of funding the present floating debt or liability of the Company, and to enable them to complete the extension of the works connected with the said Railway, and to put the same into efficient working order in all respects and with all necessary plant and appliances thereof, it shall be lawful for the said Company to make another and further issue of six per cent. sterling bonds, not exceeding two hundred thousand pounds sterling, and to raise by way of Loan thereon, the amount thereof from any person or persons, bodies politic or corporate, willing to lend the same.

Register of consolidated bonds to be kept in Canada and in England, &c.

4. It shall be the duty of the Directors of the said Company to open at their office in Toronto, a Register of the holders of all new Bonds to be issued under the second section of this Act, and of all bonds issued by the Company after the passing of this Act, whether preferred or otherwise, and such Register shall contain the number of the said Bonds and the amount thereof, the names of the holders thereof, and the date of Registry; and the Directors shall appoint an Agent in the City of London, England, who shall open a similar Register there; and the said Directors and their said Agent in London, shall give

give notice to the said holders of the said Bonds to register the same, and such Register will be closed on the first day of January in each year; and immediately on the closing thereof, the said Agent shall transmit to the Secretary of the Company at Toronto, a certified copy of such Register.

Present Directors to go out in February, 1859.

5. The present Board of Directors shall continue to hold office until the next Annual General Meeting of the Shareholders, to be held on the third Wednesday of the month of February next ensuing the passing of this Act, and from and after the expiration of their said term of office, so much of the Act passed in the twelfth year of Her Majesty's Reign, chapter one hundred and ninety-six, or of any other Act or Acts, as relates to the manner and time of electing the Directors of the said Company, so far as the same conflicts with the provisions of this Act, is and shall be repealed: And the said Board of Directors shall thereafter consist of seven members to be elected by the Stockholders of the said Company, and four by the registered holders of the bonds of the said Company, which persons, together with the two Directors to be nominated by the Municipalities of the City of Toronto and the County of Simcoe, as provided by the Act passed in the twentieth year of Her Majesty's Reign, chapter one hundred and forty-three, shall form the said Board of Directors.

Constitution of the Board of Directors after that time.

Meeting for the election of the new Board of Directors.

6. On the said third Wednesday of the month of February next, and on the third Wednesday of the month of February in each succeeding year, an Annual General Meeting of the Stockholders of the said Company for the transaction of the general business of the Company, and of the said Stockholders and registered holders of the bonds of the said Company, for the election of Directors in the room of those whose office may at that time become vacant, shall be held at the office of the said Company in the City of Toronto, and at such meeting the Stockholders, Shareholders or proprietors of stock assembled, with such proxies as shall be present, shall choose seven persons, being each a Shareholder or proprietor of stock of not less than twenty shares of the Capital Stock of the said Company, and the said registered holders of the bonds of the said Company assembled, with such proxies as shall be present, shall choose four persons, being each a proprietor of not less than one hundred pounds sterling in the Capital Stock or bonds of the said Company, who, together with the two persons to be nominated by the Municipalities of the City of Toronto and the County of Simcoe, as by law provided, shall form the Board of Directors of the said Company; And the scale of votes for such election of Directors, so far as the stockholders or proprietors are concerned, shall be in the proportion now provided by law; and each holder of such bonds shall vote in the proportion of one vote for every one hundred pounds of bonds held by him.

Scale of voting.

Company may lease the Railway for fifteen years, by consent of a general meeting.

7. It shall be lawful for the said Company to lease the said Railway for any term not exceeding fifteen years, to any person or persons, company or companies, upon such terms and conditions as to the Directors may seem meet; subject, however, to the approval of three fifths of the votes given by the shareholders present in person or by proxy at any special general meeting convened for the purpose, (notice of the object of such meeting having been given,) and subject also to the approval of the Governor in Council.

Public Act.

8. This Act shall be deemed a Public Act.

CAP. CXVIII.

An Act to amend the Charters of the amalgamated Company heretofore intituled, *The Great South-Western Railway Company*, and to change its name to the "Niagara and Detroit Rivers Railway Company."

[*Assented to* 16*th August*, 1858.]

Preamble.

WHEREAS the Woodstock and Lake Erie Railway and Harbour Company, and the Amherstburgh and St. Thomas Railway Company, in pursuance of the powers contained in their respective Charters and amended Acts, and having complied with all the preliminary requisites by law required, have, by Deed dated on or about the eleventh day of February, one thousand eight hundred and fifty-eight, a copy of which Deed forms Schedule A of this Act, amalgamated and united together as one Company, under the name and style of "The Great South-Western Railway Company;" And whereas it is desirable to amend the Charters of the said amalgamated Companies: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Amalgamation Deed confirmed.

1. The said deed of amalgamation is hereby confirmed, except as hereinafter provided, and any clauses of the "Railway Clauses Consolidation Act" incorporated with the Amherstburgh and St. Thomas Railway Acts, and not in the Acts affecting the Woodstock and Lake Erie Railway and Harbour Company, shall not apply to the said amalgamated Company, except as herein provided.

May alter route crossing Grand River.

2. The said amalgamated Company may alter the projected line of their Railway, between the Town of Simcoe and the Niagara River at or near the Suspension Bridge, so as to cross the Grand River at such point or points as they may deem expedient; and all powers conferred by law on the said amalgamated Company for acquiring right of way and station or other grounds, shall apply to such altered route.

3.

Name of Company changed to "The Niagara and Detroit Rivers Railway Company."

3. The name and style of the said amalgamated Company shall, from and after the passing of this Act, be "The Niagara and Detroit Rivers Railway Company;" but no action, suit, liability or proceeding now pending or in force for or against the said Company, shall be affected by such change of name, but shall continue and proceed in the name and style given by this Act.

Election of new Board of Directors.

Future elections.

4. An election of Directors shall take place at noon in the Town Hall, in the Town of St. Thomas, in the County of Elgin, on the second Tuesday after the passing of this Act, and the Directors then elected shall hold office until the next annual election of Directors hereafter to be held on the first Tuesday in June, in each year, at the time and place aforesaid, or at such other place as the Directors shall by By-law from time to time direct and appoint; any thing in the said deed of amalgamation to the contrary notwithstanding.

Directors may fill up all vacancies in Board.

5. If any Director cease to be qualified during his year of office, the other qualified Directors, or a majority of the quorum of the Board shall, at a meeting duly convened for that purpose, nominate some qualified stockholder to be a Director in his place, at a meeting called for that purpose.

Capital $10,000,000.

6. The capital stock of the amalgamated Company shall be Ten Millions of Dollars, divided into one hundred thousand shares, of one hundred dollars each; any thing in the said deed of amalgamation or otherwise to the contrary notwithstanding.

Directors may require deposit of 10 per cent.

Calls not to exceed 5 per cent. every 30 days.

7. The amalgamated Company may require, should they deem it desirable, all parties subscribing for stock in the said Company, to pay a deposit of not more than ten per cent. thereon; the amount of such deposit shall be decided by the Board of Directors, and future calls for instalments shall at no one time exceed five per cent., nor shall more than one call be made within thirty days.

Power to raise money.

Bonds, &c., may be payable to bearer and transferable by delivery.

8. The Company may raise by way of loan upon their bonds or debentures, in addition to their authorized share capital, any sum not exceeding one half of such capital, and such bonds or debentures may be for such amounts respectively as the said Company may deem expedient; and all bonds and debentures to be executed by the said Company, may be payable to bearer, and all such bonds, debentures or other securities of the said Company, and all dividends and interest warrants thereon respectively, which shall purport to be payable to bearer, shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof, for the time being, in their own names.

Directors may open an agen-

9. The Directors of the Company may, subject to the rules and regulations, from time to time, of the Board, appoint an

Agency in London for the transfer of shares, &c.

agent in the City of London in England, with power to pay dividends, to open and keep books of transfer for the shares of the Company, and for the issue of scrip and stock certificates, and thereupon shares may be transferred from the Canada office to the London office, in the names of the transferees, in the same manner as shares may be transferred in the former office, and *vice versa*; and shares originally taken and subscribed for in Great Britain, may be entered upon the books at the London office, and scrip certificates be issued for them, and the agent or other officer shall transmit an accurate list of all such transfers and scrip certificates so issued to the Secretary or other officer of the Company in this Province, who shall thereupon make the requisite entries respecting such transfer and scrip certificates in the Register kept in the Province; and thereupon the same shall be binding on the Company as to all the rights and privileges of stockholders, as though the scrip certificates had been issued by the Secretary of the Company in this Province.

Aliens may be Directors.

10. Any stockholder in the said Company, whether a British subject or an alien, and although a resident elsewhere than in Canada, shall have the same rights and privileges in respect of voting on his stock, and of holding office in the said Company, and of being a Director thereof, as if resident in this Province.

Certain provisions of 14, 15 V. c. 51, incorporated with this Act.

11. The clauses of the "Railway Clauses Consolidation Act," as well as the several Acts amending the same, with respect to "General Meetings," and the first, second and third sub-sections of clauses intituled, "Shares and their transfer," and of "Shareholders," shall be incorporated with this Act.

Stockholders may vote by proxy.

12. A stockholder may appoint any person, being a stockholder, to vote and act for him or her, by proxy, at all special or general meetings of the Company, and for the election of Directors.

Directors may vote by proxies being Directors.

13. Any Director resident beyond the limits of the Province, may appoint another Director to be his proxy, and to vote for him at the Board, but no Director shall act as proxy for more than two other Directors. The appointment may be as follows, or to the like effect:

Form.

I appoint , of , Esquire, one of the Directors of the Railway Company, to be my proxy as a Director of this Company, and as such proxy to vote for me at all meetings of the Directors of this Company and generally to do all that I could myself do as such Director if personally present at such meeting.

Dated this day of , 185 .

(Signature,) A. B.

14. When any share or dividend is claimed as transmitted by the death, bankruptcy, insolvency or marriage of a stockholder, or by any means other than the ordinary transfer between seller and purchaser, the transmission shall be authenticated by a declaration in writing, or in such other manner as the Directors may require: the declaration shall state the manner in which and the party to whom the share or dividend has been transmitted, and shall be made and signed by some credible person before a Mayor, Judge, Justice of the Peace, Master, or Master Extraordinary in Chancery, who shall endorse on or attach to the declaration, a certificate that the declaration was made and signed in his presence by the party therein named, and that such party was personally known to him, or that satisfactory evidence of the identity of such party has been given to him: the declaration and certificate shall be left with the Officer of the Company who has charge of such documents.

Proof to be given of any transmission of shares otherwise than by regular transfer.

How such proof may be made.

And further—Firstly. In case the transmission is by virtue of the marriage of a female stockholder, a copy of the register of the marriage, or a certificate of the Clergyman or functionary who celebrated the same, to the effect that the marriage was duly celebrated according to the laws of the place of celebration, and stating the time and place thereof, shall be left with the declaration.

Special proof on marriage of female stockholder.

Secondly. In case the transmission is through the bankruptcy or insolvency of a stockholder, a certificate of the Clerk of the proper Court of Bankruptcy or Insolvency, that the stockholder hath been adjudged bankrupt or insolvent, and that the party claiming the share or dividend is the legal assignee of the bankrupt or insolvent stockholder, shall be left with the declaration.

Special proof on bankruptcy or insolvency of stockholder.

Thirdly. In case the transmission is by any testamentary instrument or intestacy, the probate of the Will, or a true copy thereof, or an official extract therefrom, or the letters of administration, or a copy thereof, shall be left with the declaration.

Special proof of will, &c., of stockholder.

15. When the documents and instruments hereinbefore provided are produced, and left as aforesaid, the proper entries shall be made in the books of the Company, showing the title by the transmission of the claimant to the legal proprietorship of the share, or to the dividend, and until the entry has been so made, no claimant by transmission as aforesaid shall be deemed, so far as the Company is concerned, the proprietor of the share, or entitled to the dividend, or to vote or exercise the privileges of a proprietor in respect of the share; but the Company shall not be bound to regard or see to the execution of any trust expressed, implied or constructive, to which the share or dividend is subject, nor shall any thing herein contained prevent the Directors from making Rules or By-laws

Entry of such proofs in books of Company.

Proviso.

 respecting

respecting the management, transfer and disposition of the stock of the Company.

Company may unite or make traffic arrangements with other Companies.

16. The Company may unite or make traffic arrangements with any other Railway Company or Companies in this Province, or with the International, or any other Bridge Company, or may lease the Railway of any other Company, with the necessary conveniences for the purposes of such union, occupation or traffic arrangements, and the Board of Directors of such Railways, and the International or other Bridge Company may agree upon such union, lease or traffic arrangements, and grant facilities for the same, and in case of disagreement as to the amount of compensation to be made therefor, or as to the facilities to be granted under such traffic arrangements, union or lease, the same shall be determined by one or more arbitrators appointed on application of either Company, upon notice to the other, by a Judge of one of Her Majesty's Superior Courts of Upper Canada.

Terms of same may be determined by arbitration.

May construct a line to Fort Erie.

17. The Company may, after the commencement of the line to or near the Suspension Bridge, in the Town of Clifton, construct and work a Railway from any point on their line, in the Counties of Norfolk, Haldimand, Lincoln or Welland, to or near Fort Erie, in the last named County, and all the provisions of the Acts incorporating and relating to the Company, shall apply to such Railway, and the acquiring of land therefor, as effectually as if such Railway had been mentioned and described in such Acts; but the Company shall not work the said Branch Railway to or near Fort Erie, until after the completion of the main line to, or near the said Suspension Bridge.

Proviso.

May levy tolls subject to approval of Governor.

18. The Directors of the Company may, from time to time, subject to the approval of the Governor of this Province, regulate and fix the amount of tolls, rates, wharfage dues and charges to be paid for the use of such harbor or harbors, wharves, piers, warehouses or other erections.

Awards may be set aside.

19. Any award made as to lands required by the Company for their railway and station grounds may be set aside, and a new arbitration had, or referred back to the arbitrators on application to the Court of Queen's Bench or Common Pleas; and in case of a new arbitration, the original arbitrators shall not be appointed, if either party object.

Company may desist from arbitration on payment of costs.

20. Any notice for lands given under this Act, or any other Act relating to the Company, may be desisted from, and new notice given with regard to the same or other lands, to the same or any other party; but in any such case the liability to the party first notified, for all damages or costs by him incurred in consequence of such first notice and desistment, shall subsist.

21. The original Charter of the Woodstock and Lake Erie Railway and Harbour Company shall be amended as follows: in the fifth line of section six, after the words "the owner or owners," and before the words "of such lands," the words "whether a body corporate or otherwise," and at the end of eighth line of said section, after the words "required by the said Company," and before the words "it shall and may be lawful," the words "by notice published four times in the *Canada Gazette*, and one paper in the County in which such lands are situated," shall be respectively inserted. 10 & 11 V. c. 117, s. 6, amended.

22. Whereas at the first meeting for the election of Directors of the Amherstburgh and St. Thomas Railway Company, held under an Act passed in the nineteenth and twentieth years of Her Majesty's Reign, intituled, *An Act to alter and amend the Charter of the Amherstburgh and St. Thomas Railway Company*, two Boards of Directors were elected by different parties claiming to be shareholders in the said Company; And whereas the Directors of one of the Boards so elected, subsequently set apart shares in the said Company to the amount of nineteen thousand seven hundred and forty shares of the value of four hundred and ninety-three thousand five hundred pounds, for the purpose of distribution among English capitalists; And whereas parties for whom such shares were so set apart have refused to accept the benefit of such appropriation, and thereupon the new shares so appropriated were resumed by the Directors of the said Board, by whom the same were so set apart, as part of the unsubscribed stock of the late Amherstburgh and St. Thomas Railway Company; And whereas doubts have arisen whether such resumption was effectual in law, and whether the said amount of shares now forms part of the unsubscribed capital of the said amalgamated Company, or whether any claims exist in favor of the said amalgamated Company against all or any of the parties to such appropriation; And whereas it is desirable to remove such doubts: Be it therefore enacted and declared, that the said nineteen thousand seven hundred and forty shares of the value of four hundred and ninety-three thousand five hundred pounds in the late Amherstburgh and St. Thomas Railway Company, so set apart and intended to be appropriated, now form part of the unsubscribed capital of the said amalgamated Company, and the claims of all parties thereto, and the demands of the said amalgamated Company against all parties in respect thereof, are hereby released, extinguished and discharged. Recital as to certain stock of Amherstburgh and St. Thomas Railway Company. 19, 20 V. c. 113. Said stock to form part of unsubscribed stock.

23. Whereas the interest of the amalgamated Company requires that the Directors elected under this Act, should be untramelled by any previous engagements or contracts of the late Companies respectively: Be it therefore enacted, that all contracts, if any there be, heretofore entered into with any party or parties for the construction of the whole or any part of the line of railway by the recited Acts, or by this Act authorized Recital. Certain contracts declared void.

to

to be constructed, shall be and are hereby declared to be cancelled, null and of none effect, and the said amalgamated Company is hereby precluded from letting any contracts for the construction of any part of the line of the railway, until after the first election of Directors to be holden under this Act.

Company may amalgamate, &c., with Brantford and South-Western Railway Company.

24. The said Company shall have power, and is authorized, in pursuance of any resolution to that effect, adopted at a special general meeting of the Shareholders, duly convened for that purpose, to amalgamate and unite with the Brantford and South-Western Railway Company, or to lease or buy their line of road and appurtenances, or any part thereof, upon such terms and conditions as may be agreed upon by the said Companies; which said amalgamation sale, lease or agreement, the said Brantford and South-Western Railway Company is hereby fully authorized to effect with this Company, upon resolutions to be adopted by a majority of their respective Shareholders, at a special general meeting to be convened for that purpose; Provided always, that all such rights, powers, terms and conditions as shall be set out in the deed of or agreement for such amalgamation, lease or purchase, shall alone be binding upon the Companies so amalgamating, leasing, purchasing or selling, and such amalgamation, purchasing or selling, shall not render either Company liable for any consideration, matter or thing beyond the said terms and conditions; and the said Company may extend their line of railway to some point on the Grand Trunk Railway, and all the provisions of the Acts incorporating and relating to the Company, shall apply as effectually as if such extension had been mentioned and described in such Acts.

Proviso.

May extend road to Grand Trunk Railway.

Commencement of the works.

25. The said Railway shall be commenced within one year, and completed within five years after the passing of this Act, and all clauses or parts of clauses in any former Acts relating to the amalgamated Companies which are inconsistent with the provisions of this Act, shall be and are hereby repealed.

Public Act.

26. This Act shall be deemed a Public Act.

SCHEDULE A.

Amalgamation deed, 11th February 1858.

THIS INDENTURE, made the Eleventh day of February, in the year of our Lord One Thousand Eight Hundred and Fifty-Eight, Between The Woodstock and Lake Erie Railway and Harbour Company, of the first part; and The Amherstburgh and St. Thomas Railway Company, of the second part:

Railways Union Act, 16 V. c. 39, s. 1, recited.

Whereas, by the Act of the Parliament of this Province, passed in the sixteenth year of Her Majesty's Reign, entitled, "An

"An Act to empower any Railway Company whose Railway "forms part of the Main Trunk Line of Railway throughout "this Province, to unite with any other such Company, or pur- "chase the property and rights of any such Company; and to "repeal certain Acts therein mentioned incorporating Railway "Companies," it was amongst other things enacted, that it should be lawful for any two or more of the Companies formed or to be thereafter formed, for the purpose of constructing any Railway, which should form part of the Main Trunk Line of Railway contemplated by the Legislature in passing the Act of the then last Session of the Provincial Parliament, entitled, "An "Act to make provision for the construction of a Main Trunk "Line of Railway throughout the whole length of this Pro- "vince," to unite together as one Company, or for any one of such Companies to purchase and acquire the property and rights of any one or more of such Companies: And further, that it should be lawful for the Directors of any such Company as aforesaid, to agree with the Directors of any other such Company or Companies, that the Companies they respectively represent should be united as one Company, or that one of such Companies should purchase and acquire the property and rights, and take upon itself all the liabilities of the other or others; and by such agreement to fix the terms upon which such union or such purchase should take place,—the rights which the Shareholders of each Company should possess after such union or purchase, the number of Directors of the Company after such union, and who should be such Directors until the then next election,—the period at which such next election should be held,—the number of votes which the Shareholders of either Company should respectively have thereat,—and the Corporate name of the Company after any such union,—the time when the agreement should take effect,—the By-laws which should apply to the united Company,—and generally to make all such conditions and stipulations touching the terms upon which such union or purchase should take place, as might be found neces- sary for determining the rights of the said Companies respec- tively, and of the Shareholders thereof, after any such union or purchase, and the mode in which the business of the Company should be managed and conducted after any such union; 14, 15 V. c. 73.

And whereas, by another Act of the Parliament of this Pro- vince, passed in the sixteenth year of Her Majesty's Reign, en- titled, "An Act to extend the provisions of the Railway Com- "panies Union Act to Companies whose Railways intersect "the Main Trunk Line, or touch places which the said Line "also touches," it was amongst other things enacted, that the Act passed in the then present Session of the Parliament of this Province, and entitled, "An Act to empower any Railway "Company whose Railway forms part of the Main Trunk Line "of Railway throughout this Province, to unite with any other "such Company, or to purchase the property and rights of such "Company; and to repeal certain Acts therein mentioned, "incorporating 16 V. c. 76. 15 V. c. 39.

"incorporating Railway Companies," and all the enactments and provisions therein contained, should extend and apply to and include any Railway Company whose Railway intersects
14, 15 V. c. 73. the Main Trunk Line of Railway contemplated by the Legislature in passing the Act of the then last Session of the Provincial Parliament, entitled, "An Act to make provision for the "construction of a Main Trunk Line of Railway throughout "the whole length of this Province;

14, 15 V. cc. 73, 74 referred to. And whereas, by the Acts of the Parliament of this Province, passed on the thirteenth day of August, one thousand eight hundred and fifty-one, chaptered respectively seventy-three and seventy-four, the Great Western Railway is declared to be and to form part of the said Main Trunk Line of Railway; And whereas the Railways of the said Company, severally and both of them intersect the Great Western Railway, (being part of the said Main Trunk Line) and touch certain towns and places which the said part of the said Main Trunk Line also touches, that is to say, the Town of Woodstock, in the County of Oxford, and the Town of Windsor, in the County of Essex;

19, 20 V. c. 113, referred to. And whereas, by another Act of the Parliament, passed on the first day of July, in the year of our Lord one thousand eight hundred and fifty-six, entitled, "An Act to amend and extend "the Charter of the Amherstburgh and St. Thomas Railway "Company," it was amongst other things provided, that the said last mentioned Company was thereby empowered to unite with any other Railway Company whose Railway should intersect that of the said Company, or should touch a place which their road should also touch, and that to such union the provisions of the said Acts firstly and secondly above referred to should extend and apply; And whereas the Railways of the said Companies, parties hereto, intersect each other at the Town of St. Thomas, and both touch that place;

Woodstock and Lake Erie Railway and Harbour Company Amendment Act, 18 V. c. 179, s. 3, recited. And whereas, by the Statute of the said Parliament, passed in the eighteenth year of Her Majesty's Reign, entitled, "An "Act to amend the Charter of the Woodstock and Lake Erie "Railway and Harbour Company," it was also enacted amongst other things, that the said Company should have power and was authorized in pursuance of any resolution to that effect adopted at a Special General Meeting of the Shareholders duly convened for that purpose, and by and with the consent of the Municipalities then or thereafter interested in the said Company as Bondholders or Shareholders, or a majority of them, signified by resolution to that effect, to amalgamate and unite with any other Railway Company in this Province, or to lease or sell their line of road or any portion thereof, and appurtenances, or the stock thereof, to any such other Railway Company, or to purchase, buy out, or lease any other such Railway Company, or the stock thereof, the whole upon such terms and conditions

as

as should be agreed upon, which said amalgamation, purchase, lease or agreement, such other Railway Company was thereby fully authorized to effect with the said Company upon a resolution to be adopted by the majority of the Shareholders of such other Railway Company at a Special General Meeting to be convened for that purpose, and upon the effecting of any such amalgamation, purchase, lease, or agreement, all the rights, privileges, and powers of the Company so amalgamated with, leased or purchased by the said the Woodstock and Lake Erie Railway and Harbour Company, or by such other Company so amalgamated with, leased or purchased, should be merged in the said the Woodstock and Lake Erie Railway and Harbour Company, or in such other Company, and should be held and applied by them the Woodstock and Lake Erie Railway and Harbour Company, in their own name or in the name of such other Company, as should be expressed in the Articles or Deed of amalgamation executed by the amalgamating Companies to all intents and purposes, as if the same had been granted originally to the said Company whose name shall be retained and expressed in such Articles of amalgamation, and in addition thereto;

19 V. c. 74, s. 4 recited.

And whereas, by another Act of the Parliament of this Province, passed the nineteenth day of June, in the year of our Lord one thousand eight hundred and fifty-six, entitled, "An "Act to amend the Act of Incorporation of the Woodstock and "Lake Erie Railway and Harbour Company," it was further provided amongst other things, that if the said Company should amalgamate or unite with any other Company or Companies, as provided in the third Section of the said Act next hereinbefore mentioned, it should not be necessary to retain the name of either of such Companies, but the Companies so amalgamating or uniting might decide and agree upon such name for the amalgamated Companies as they shall please, and should specify or designate such name in the Deed of amalgamation or the agreement to amalgamate or unite, and after such amalgamation or union, such name should be the corporate name of the amalgamated Companies, and under such corporate name they should be invested with and might exercise and enjoy all the rights, powers, privileges, property, benefits and advantages, which otherwise would appertain to the amalgamating Companies, and to all and every of them if such amalgamation had not taken place;

Certain Municipalities interested in the W. & L. E. R. & H. C. as creditors.

A majority of whom have consented to amalgamation.

And whereas, the several Municipalities of the Town of Woodstock, the Town of Simcoe, the Township of South Norwich, the Township of North Norwich, the Township of Windham, and the Township of Woodhouse, are respectively interested in the said the Woodstock and Lake Erie Railway and Harbour Company as Bondholders; and the said Municipalities or a majority of them have, in the terms of the said Act of Parliament passed as aforesaid in the eighteenth year of Her Majesty's

Majesty's Reign, entitled, "An Act to amend the Charter of "the Woodstock and Lake Erie Railway and Harbour Com- "pany," consented that the said Company may amalgamate and unite with the said Amherstburgh and St. Thomas Railway Company, and after such amalgamation that the amalgamated Companies may amalgamate and unite with any other Railway Company, on the terms and conditions herein set forth;

The W. & L. E. R. & H. Co. and the A. & S. Thos. R. Co. have agreed to amalgamate, &c.

And whereas, the said Companies, in pursuance of resolutions to that effect, adopted at Special General Meetings of the Shareholders of the said respective Companies, duly convened for that purpose, have determined and agreed, under and in pursuance of the authority in that behalf, conferred in and by the said several Acts of Parliament hereinbefore mentioned or referred to, and every of them, and of all other power and authority with which the said Companies are or may be invested for that purpose, that the said Companies should amalgamate and unite together under and in the name of "The Great South Western Railway Company," upon the terms and conditions (amongst others) hereafter more fully set forth, and have agreed and determined upon the said name of "The Great South Western Railway Company," as and for the Corporate name of the said Companies when amalgamated;

By the corporate name of "The Great South-Western Railway Company," &c.

The two Companies now amalgamate and become "The Great South-western Railway Company."

Now this Indenture witnesseth, 1. That the said the Amherstburgh and St. Thomas Railway Company and the Woodstock and Lake Erie Railway and Harbour Company, in pursuance of resolutions to that effect adopted at Special General Meetings of the Shareholders of the said respective Companies duly convened for that purpose, and by and with the consent of the majority of the said Municipalities interested in the said the Woodstock and Lake Erie Railway and Harbour Company as Bondholders, (no other Municipalities being in any way interested in the said Company,) in consideration of the clauses, stipulations and agreements hereinafter contained, and under and in pursuance and in execution of the powers and authority in that behalf granted or conferred in and by the said several Acts of Parliament hereinbefore mentioned or referred to, and of all other powers and authority with which they are or may be invested for that purpose either by Act of Parliament or otherwise, do, and each of them with the other, doth hereby agree to amalgamate and unite together as one Company, (such amalgamation to take effect at the time hereinafter appointed and provided) under and by the name of "The Great South-Western Railway Company"; and they do hereby specify and designate the said name, to wit: "*The* Great South-Western Railway Company," as and for the Corporate name of the said amalgamated Companies; under which said Corporate name they are hereby invested with, and shall and may exercise and enjoy all the rights, powers, privileges, property, benefits and advantages which otherwise would appertain to the said amalgamating Companies, and to all

all and every of them, if such amalgamation had not taken place.

The Capital Stock of the amalgamated Companies settled, &c.

2. And whereas, the Capital Stock of each of the said Companies is one million currency; it is hereby declared, determined and agreed that the Capital Stock of the said amalgamated Companies, under the said Corporate name of "The Great South-Western Railway Company," shall be and is hereby fixed and settled at the sum of Two Million Pounds currency, being a sum equal to the combined capital of the said Companies before their amalgamation.

The shares in the amalgamating Companies, originally of different amounts, are now assimilated and settled at £25 each.

3. And whereas, the shares in the Capital Stock of both the said Companies before the said amalgamation, were twenty-five pounds currency each; and the several Shareholders in the said Companies, by the charters of the said respective Companies, and the several Acts of Parliament amending the same, were each entitled to one vote for each share; it is hereby further determined, declared and agreed that every person or party having stock in the said the Woodstock and Lake Erie Railway and Harbour Company, in shares of twenty-five pounds currency each, immediately before and at the time of said amalgamation, shall, immediately upon and after such amalgamation, be and become Shareholders of an equal number of Shares of the Capital Stock of the said amalgamated Companies; and on the application, in writing, of such person or party, the proper entries shall be made in the Stock Books or Share Registry of the said amalgamated Companies, showing such person or party to be the proprietor of the said Shares; and, on surrendering and yielding up to the Secretary or other proper Officer of the said amalgamated Companies, the Scrip (if any) formerly issued for such Stock or Shares, such person or party shall be entitled to receive the Scrip of such amalgamated Companies for such Stock; and that every person or party having Stock in the said Amherstburgh and St. Thomas Railway Company, immediately before and at the time of the said amalgamation, shall, immediately upon and after such amalgamation, be and become Shareholders in the Capital Stock of the said amalgamated Companies of the like number of shares so previously held in the said Company; and on application, in writing, of such party or person, the proper entries shall be made in the books of the said amalgamated Companies, showing such person or party to be the proprietor of such shares; and on surrendering and yielding up to the Secretary or other proper officer of the said amalgamated Company, the Scrip (if any) formerly issued for such Stock or Shares, such person or party shall be entitled to receive the Scrip of the said amalgamated Companies for the Stock or Shares to which he may then be entitled, so that the Shares in the Capital Stock of such amalgamated Companies shall be of one uniform amount, and each of such shares shall be of the amount of twenty-five pounds currency.

The number of votes on shares provided for.

4. And it is hereby further determined, declared and agreed, that each and every Shareholder of Stock in the said amalgamated Companies, shall be entitled as well in the Election of Directors as upon all other occasions, to one vote, and no more, for each full Share of twenty-five pounds currency held by such Shareholders, whereon ten pounds per centum shall have been paid up; and this provision shall apply as well to *Stock* or Shares to be subscribed after such amalgamation as aforesaid shall have been effected as to other Stock; Provided always, that notwithstanding anything herein contained, no Shareholder shall be entitled to vote on any Share in respect to which he shall be in arrear for calls made thereon; and if it shall happen that in converting the Stock or Shares held by any Shareholder before the said amalgamation, in either of the said Companies, into even Shares of twenty-five pounds currency each, in the Capital Stock of the said amalgamated Companies, there shall remain an integral sum or portion of such Stock of an amount under twenty-five pounds, the proprietor of such Stock shall be entitled to hold the same as an integral portion of a share, and to claim and receive proportionate dividends thereon; but such integral portion of a share shall not entitle the holder thereof to vote by reason or on account thereof, either in the election of Directors or otherwise.

Aliens may vote or hold office.

5. And it is hereby further determined, declared and agreed, that aliens as well as British subjects, and whether resident in this Province or elsewhere, may be Shareholders in the said amalgamated Companies; and all such Shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office in the said amalgamated Companies.

Number of Directors provided for, and the time of their election.

6. And it is hereby further determined, declared and agreed, that the number of the Directors for such amalgamated Companies (to be elected by the Shareholders) shall be thirteen, who shall elect yearly from amongst themselves a President and Vice-President; and that the Directors of such amalgamated Companies shall, at and after the expiration of the current year, be elected yearly, on the second Tuesday in July in each year, or at such other time and at such place as the Directors for the time being shall, by Resolutions or By-laws, from time to time, appoint or direct; and that the first Election of Directors for such amalgamated Companies (by the Shareholders), after the said amalgamation, shall take place on the second Tuesday in January, in the year of Our Lord one thousand eight hundred and fifty-nine, or at such other time as the Directors of such amalgamated Companies, by Resolution or By-law, shall appoint or direct: the current year herein mentioned being the period from the time this agreement is appointed to take effect until the second Tuesday in January, one thousand eight hundred and fifty-nine, inclusive; and the Directors for the time being of the said amalgamated Companies

are

are hereby invested with, and authorized and empowered, after the said amalgamation, to exercise as well in filling up vacancies in their Board and the making of By-laws as in all other matters and things whatsoever, all and every the powers and authority which the Board of Directors of either or both of the said Companies hereby agreeing to amalgamate might or could, before such amalgamation, lawfully exercise; and that in all things touching or concerning the Election of Directors for the said amalgamated Companies not herein provided for, the provisions of the original charter of the said the Amherstburgh and St. Thomas Railway Company, and of the several Acts altering or amending the same, shall govern and be in force.

Who to be the Directors for the current year.

7. And it is hereby further determined, declared and agreed, that for and during the current year from the time this agreement is appointed to take effect until the second Tuesday in January, one thousand eight hundred and fifty-nine, the following gentlemen shall be Directors of the amalgamated Companies, that is to say: John Mercer, of Chatham, James G. Wilson, of Simcoe, George McBeth, of London, M. P. P., Paul J. Salter, of Windsor, John Ferris, of Colchester, John Smith, of Dereham, Thomas Rae, of Hamilton, Joseph Berthelot, of Anderton, Andrew Thompson, of Woodhouse, Joseph Mercer, of Sandwich, Alexander McCleneghan, of Woodstock, John H. Cornell, of South Norwich, and Charles Baby, of Windsor; and that after this agreement shall be appointed to take effect, the qualification of a Director in the said amalgamated Companies shall be Stock held in said Companies by each Director to the amount of two hundred and fifty pounds at the least, on which ten per cent. at the least shall have been paid up; and that a quorum for the transaction of business shall consist of such number of the Directors as shall be fixed by resolution or By-law of the Board of the amalgamated Companies, and until the number for a quorum shall be so fixed, the quorum shall be composed of a majority of the Directors.

What By-laws to be in force.

8. And it is hereby further determined, declared and agreed, that such of the By-laws of the said the Woodstock and Lake Erie Railway and Harbour Company as are not inconsistent with the provisions of this agreement, nor with the spirit and object of it, shall be in force and apply to the said amalgamated Companies; any or all of the said By-laws, however, may be repealed or altered, and other and different ones made, from time to time, by the Directors of the said amalgamated Companies.

The amalgamated Companies assume the liabilities, &c., of each Company.

9. And it is hereby further determined, declared and agreed, that, immediately on this agreement taking effect, and the amalgamation herein contemplated or agreed upon being accomplished, the said amalgamated Companies shall, and hereby do, under and in the name of "The Great South-Western Railway

Railway Company," assume and undertake the performance, payment, and discharge of all the debts, contracts, engagements, and liabilities of both the said Companies hereby agreeing to amalgamate.

Each of the amalgamating Companies surrender and assign to the Great South-western Railway Company their respective property, rights, &c.

10. And it is hereby further determined, declared, and agreed that, in consideration of the clauses, provisions, stipulations, and agreements herein contained, the said Companies hereby amalgamating or agreeing to amalgamate, do, and each of them doth hereby grant, bargain, sell, surrender, assign, transfer, and set over unto the said amalgamated Companies, by and in the corporate name of "The Great South-Western Railway Company," and their successors, all and singular the houses, lands, tenements, hereditaments, premises, railways, harbours, docks, channels, creeks, wharves, piers, buildings, erections, works, ways, waters, franchises, easements, rights, privileges, powers, advantages, goods, chattels, stock, credits, contracts, property, assets and effects whatsoever, which they the Woodstock and Lake Erie Railway and Harbour Company and the Amherstburgh and St. Thomas Railway Company respectively or either of them have, hold, claim, challenge, demand, exercise, use, occupy, possess, or enjoy, or are or may be entitled to: To have and to hold the same to the said amalgamated Companies, by and in the said corporate name of "The Great South-Western Railway Company," and their successors for ever, from and after the time herein appointed for this agreement to take effect; to be by them at all times thereafter, by and under the said corporate name, had, held, exercised, realized, dealt with, possessed, used, and enjoyed in as full and ample a manner as the said amalgamating Companies respectively, or either of them, could, might, or would be entitled to have, hold, exercise, realize, deal with, possess, use, or enjoy the same, or any part thereof, if the said amalgamation had not taken place or been concluded or agreed upon.

The road from Woodstock to Port Dover to be completed when main line pays eight per cent.

11. And it is hereby further determined, declared, and agreed, that the said amalgamated Companies shall assume and pay to the Provincial Government the amount of sums loaned by the Towns of Woodstock and Simcoe and the Townships of North and South Norwich, Windham and Woodhouse, and shall have power to postpone the construction of the Railway from Woodstock to Port Dover or any portion thereof until the completion of the main line and until it shall earn sufficient to pay eight per cent. over all expences.

The time fixed for this agreement to take effect.

12. And it is hereby further determined, declared, and agreed that (subject to the condition hereinafter contained) this agreement shall take effect, and the said amalgamation and union be and become complete, effectual, and perfected at one o'clock in the forenoon of the eighteenth day of March, in the year of Our Lord one thousand eight hundred and fifty-eight.

13. And it is hereby further determined, declared and agreed, that the head quarters and work shops of the said amalgamated company shall be permanently located at some point on the Detroit River at or near Windsor, in the County of Essex, said work shops being for the manufactory of passenger and other cars and of all rolling stock for said Company. Offices and work shops to be near Windsor.

In witness whereof, the said the Woodstock and Lake Erie Railway and Harbour Company and the Amherstburgh and St. Thomas Railway Company, have caused their respective Corporate Seals to be affixed hereto, the day and year first above written. Attestation.

Signed, sealed and delivered in the presence of
Benj. VanNorman,
Francis R. Ball.

Signed JOHN SMITH, Vice Predt.,
W. & L. E. Rail. & Harb. Com.

Signed W. LYNN SMART, Secry.
W. & L. E. Rail. & Harb. Com.

Corporate Seal of W. & L. E. R. & H. Com.

Signed JOHN MERCER, Predt.
Amhst. and St. Thos. R. Com.

Signed C. F. ELIOT, Secry.,
Amhst. and St. Thos. R. Com.

Corporate Seal A. & St. Thos. R. Com.

CAP. CXIX.

An Act to amend the Acts relating to the Cobourg and Peterborough Railway Company, and to grant further facilities to the said Company.

[*Assented to* 16*th August*, 1858.]

WHEREAS the Cobourg and Peterborough Railway Company, and the Town Council of the Town of Cobourg, have by their petitions represented the greatly embarassed state of the said Company, and have prayed for power to the said Company to issue Preferential Bonds, and for such further and other relief as Parliament can grant; And whereas it is expedient to afford to the said Company the means of extricating itself from pressing difficulties, and for this purpose to alter the mode of election of the Directors of the Cobourg and Peterborough Railway Company, and to grant further Preamble.

further powers and facilities to the Company in relation to their bonded debt, and to enable them to complete their Railway and works, and no opposition appearing to the provisions hereinafter following: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Present Directors to retire; and Provisional Directors named.

1. The present Board of Directors shall retire *from office* immediately on the passing of this Act, and the *following* holders of Bonds of the said Company, namely, the Honorable John Hillyard Cameron, John Beverley Robinson, Roswell G. Benedict, William George Draper, Charles W. Heath, Charles Pierson, and Joseph A. Woodruff, Esquires, shall be and are hereby declared to be the Directors of the said Company, and shall remain and continue such Directors until the annual election of Directors in the year one thousand eight hundred and sixty, from which period the Board of Directors shall consist of seven members, four to be chosen by the Bondholders of the said Company, in manner hereinafter mentioned; and there shall be no Directors from any Municipality, *ex officio*.

How Directors shall be chosen in future.

Outstanding bonds to be called in, and new debentures issued instead.

2. It shall be the duty of the Directors to call in forthwith all the legally outstanding bonds of the said Company, and in lieu thereof to issue to the holders thereof in the manner and proportion hereinafter mentioned, other bonds to be issued under this Act, which said bonds shall be under the seal of the Company, signed by the President or other Presiding Officer, and countersigned by the Secretary, payable at twenty years from the date thereof in sterling or currency, and in such amounts, and at such places either within or without this Province, as the Directors shall think fit, and the said bonds shall bear interest at the rate of six per cent. per annum, payable half yearly: Provided always that the consent of three fourths of the Mortgage Bondholders of the Company shall be obtained thereto.

Proviso.

Company may borrow £125,000 stg. in addition.

3. For the purpose of enabling the said Company to put their railroad in efficient working order, with all necessary plant and appliances therefor, the said Company may issue *bonds* not exceeding the amount of one hundred and twenty-five thousand pounds sterling, such bonds to be made in the manner in the second section mentioned.

Bonds may be issued without preference, but bearing mortgage.

4. The Directors shall, in their discretion, have full power and authority to issue all of the said bonds without preference, stamping or marking such bonds "Mortgage Bonds," and *such* bonds shall be a first lien and charge on the said road, and all the property, real and personal, of the said Company; Provided always that any mortgage made by or existing against the real or personal estate of the Company, shall have the same priority as if this Act had not been passed.

Proviso.

5.

5. The Directors shall and may negotiate one half of the said issue or of the said mortgage bonds, and the proceeds thereof shall be applied as follows: Application of proceeds of one half of the said bonds.

Firstly.—To pay and reimburse Henry Covert any sum of money actually *bonâ fide* advanced or to be advanced by him for the permanent way across Rice Lake, and the expense of this Act;

Secondly.—Any sums of money similarly advanced for the said permanent way by the late Directors, or others or any of them, and certified by Walter Shanly, Esquire, or F. W. Cumberland, Esquire;

Thirdly.—Any sum of money required to finish the permanent road-way across Rice Lake, and for the purposes in the third section mentioned;

Fourthly.—To pay any moneys due and unpaid for the right of way of the said road;

Fifthly.—To pay *pro rata* any arrears of interest on the legally outstanding mortgage bonds, due before the passing of this Act.

6. The Directors shall exchange the other half of the said issue of the said bonds, with the holders of the first mortgage bonds of the said Company legally outstanding at the passing of this Act, in the proportion of sixty-two pounds ten shillings sterling of new bonds for each one hundred pounds sterling of the old bonds; and from the passing of this Act, until such old bonds shall be so exchanged, each old bond of one hundred pounds sterling shall stand as a charge against the said Company for the sum of sixty-two pounds ten shillings only. Other half to be exchanged with holders of first mortgage bond; and in what proportion.

7. The Directors shall and may issue to the holders of such old bonds legally outstanding, but only on the exchange of such old bonds, new bonds to the extent of thirty-seven pounds ten shillings sterling for each old bond of one hundred pounds sterling, which issue of bonds in this clause shall be stamped or marked "Second Mortgage Bonds," shall be made in the manner in the second section of this Act mentioned, and shall be a lien and charge on the said railroad, and all the property, real and personal, of the said Company, next after the said bonds hereinbefore mentioned. Remainder in second mortgage bonds.

8. As soon as the said new issue of bonds in this Act first mentioned is made, the mortgage given by the said Company, to William Proudfoot and Thomas G. Ridout, as Trustees to secure the payment of the issue of the old bonds, shall stand and be also security for the mortgage bonds to be issued under this Act. A certain mortgage to stand as security for new bonds.

Proceeding to compel sale of Railway if bonds are not paid.

9. The holder of any mortgage bond, after default made in the payment of interest on any such bond for the period of six calendar months after any day when the same is by such bond or coupon attached thereto made payable, may proceed by any process in law or equity to compel the Directors to sell the said railway, and all the real and personal property of the Company, of what nature or kind soever.

Register of bond holders to be kept; and to what effect.

10. It shall be the duty of the Directors to open at *their* office, in Cobourg, a registry of the holders of the bonds issued under this Act, which shall contain the number of the bonds issued, the amounts, and date of registry, and they shall open a similar registry in England, with an agent whom they shall appoint there, and the Directors, or their said agent, shall give notice to the holders of the said bonds, to register the same for the purposes of election of Directors, as hereinafter mentioned, and a copy of such English register, certified by the oath or declaration of the said agent, before any person having legal authority to administer the same, shall be transmitted to the Directors, and entered in the registry at Cobourg, on or before the first day of January, one thousand eight hundred and sixty, and the first day of January in any succeeding year.

General meeting of bondholders and stockholders and election of Directors.

11. On the first Monday in February, one thousand eight hundred and sixty, and on the first Monday of February in any succeeding year, a general meeting of the bond and stockholders of the said Company, for the transaction of the general business of the Company, and for the election of directors, shall be held at the office of the Company in Cobourg; and at such meetings the stock, and the registered bondholders present, either in person or by attorney, shall choose seven persons, who shall be bondholders of the said Company, each holding bonds to the amount of five hundred pounds sterling, and the scale of votes of such registered bondholders and stockholders shall be to the amounts and in the proportions now allowed by law to the stockholders of the said Company.

Scale of votes.

Directors may sell the Railway or amalgamate with some other Company, not having interests hostile to Cobourg.

12. The directors of the Company, as soon as the Board of Railway Commissioners shall certify that the said road is finished in accordance with the third Section of this Act, shall have full power and authority, if to them it shall seem advisable, absolutely to sell and dispose of the said road and all the real and personal property of the said Company, with all the corporate rights and privileges thereof to the said Company in any way or manner belonging, which shall pass to and be vested in the assignees thereof,—to any municipal or other corporation, or any person or persons whomsoever, or to amalgamate with any other Railway Company not having any interests hostile to or conflicting with the interests of the Town of Cobourg, so that by such sale or amalgamation the holders of the old bonds of the said Company, legally outstanding, and of any mortgages, or other incumbrances duly registered against the

the said property, real or personal, of the said Company, shall be paid or secured for the payment of the interest and principal unpaid upon such bonds, mortgages, or other incumbrances in the order of their priority; and upon any sale or amalgamation under this Act, any purchaser shall have all the corporate rights, privileges and powers conferred by any Act of the Legislature upon the said Company. Provided always that the said chartered rights shall revert to the Company if after any sale the Company amalgamated with or the purchaser shall cease to run the said road by at least one daily train for passengers and freight from and to each terminus of the said Road. Proviso.

13. The Directors may lease the said road and all the appurtenances thereto belonging to any person or persons, bodies politic or corporate, for any term of years, and on such conditions as they may deem advantageous. Directors may lease the Railway.

14. Any vacancy caused by the death, resignation or otherwise, of any of the Directors named in this Act, shall be filled up by the remaining Directors, regard being always had to the composition of the board in accordance with the eleventh section of this Act. Vacancies among Directors, how filled.

15. This Act shall be a Public Act, and any clause of the Act incorporating the said Company inconsistent with this Act, shall be and is hereby repealed. Public Act, &c.

CAP. CXX.

An Act to enable Municipalities holding stock in the London and Port Stanley Railway Company to have increased representation in the Direction of the said Company.

[*Assented to 16th August*, 1858.]

WHEREAS the construction of the London and Port Stanley Railway has been effected principally by means of the stock taken in the said Company by the Municipalities of the City of London, the County of Middlesex, the Town of St. Thomas, and the County of Elgin; And whereas it is desirable that Municipalities holding stock in the said Company should be represented in the direction of the Company in proportion to the amount of stock held: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. So long as two thirds of the stock in the said Company shall continue to be held by Municipalities, the number of Directors to be chosen annually by the shareholders of the said Company shall be three, and not nine as provided in the special Number of Directors reduced to three.

Act of Incorporation; and such three Directors shall be appointed and hold office in the same manner and for the same term as Directors heretofore appointed in the Company.

Reeve of St. Thomas to be a Director conditionally.

2. So long as the Municipality of the Village of St. Thomas shall continue to hold five thousand pounds or upwards of stock in the said Company, the head of the said Municipality shall, *ex officio*, be one of the Directors of the said Company in addition to the other Directors thereof, and shall have the same rights, powers and duties, as any of the Directors of the Company.

Warden of Elgin to be a Director conditionally.

3. So long as the Municipality of the County of Elgin shall continue to hold stock to the amount of five thousand pounds or upwards in the said Company, the head of the said Municipality shall, *ex officio*, be one of the Directors of the said Company, in addition to the other Directors thereof, with the same rights, powers and duties.

Warden of Middlesex to be a Director conditionally.

4. So long as the Municipality of the County of Middlesex shall continue to hold stock to the amount of five thousand pounds or upwards in the said Company, the head of the said Municipality shall, *ex officio*, be one of the Directors thereof, with the same rights, powers and duties.

Mayor of London to be a Director conditionally with two others appointed by the City Council.

5. So long as the Municipality of the City of London shall continue to hold stock in the said Company to the amount of fifty thousand pounds or upwards, the said Municipality shall be entitled to be represented in the Board of Directors of the said Company by three Directors, the Mayor of the said City for the time being shall be and continue to be, *ex officio*, one of the Directors of the said Company, and the other two Directors from the said Municipality shall be appointed as hereinafter provided.

Two Directors to be appointed by the City Council.

6. It shall be the duty of the City Council of the City of London, immediately after the passing of this Act, and in each year after this present year, within one month after the Council shall have become duly organised, to appoint two of the members of the said Council other than the Mayor, as Directors of the said Company, who shall continue in office as such Directors during the residue of the term of office of the said members in the said City Council at the time of their appointment, and no longer, but may, in case of re-election as members of the Council, be eligible to be appointed as such Directors.

Appointment of successors of Directors dying or going out of the Council.

7. In case the Directors appointed by virtue of the sixth section, or either of them, shall die during their term of office as such Directors, the City Council may, from among the members of the said Council, appoint their successors, who shall hold office as Directors for the residue of the term of the person succeeded, and the Council may in the same manner appoint

appoint a successor to either or both of the Directors appointed by them, should such Directors cease to be members of the said Council from any cause whatever, after their election as such Directors and before the expiration of their term of office.

When present Directors shall go out.

8. The Directors now constituting the Board of Direction of the said Company shall continue and hold office as such Directors until the first day of November, one thousand eight hundred and fifty-eight.

Election of new Directors by Shareholders.

9. It shall be lawful for the Shareholders of the said Company, immediately after the passing of this Act, to call a general meeting of the Shareholders of the said Company for the purpose of electing three Directors in place of those whose term of office shall cease at the time mentioned in the eighth section.

Notice of general meeting for first election, &c.

10. Such general meeting shall be held after ten days' notice thereof to be given of the time and place of holding such meeting by the Secretary of the said Company, such notice to be published at least once in some newspaper published in the City of London, and also in some newspaper, if any, published in the Town of St. Thomas; and it shall be the duty of the said Secretary to call the said meeting for some day previous to the fifteenth day of September next, and in default thereof the head of any Municipality holding stock in the said Company may call the said meeting.

Subsequent elections.

11. All subsequent elections of Directors shall be held in the manner provided in the special Act of Incorporation.

Inconsistent enactments superseded.

Proviso.

12. This Act shall take effect, notwithstanding any thing to the contrary contained in any other Act or Acts of the Parliament of this Province; Provided always that inasmuch as the present Directors have incurred personal liabilities for the said Company for money borrowed for its use and otherwise, therefore the foregoing provisions shall have no effect unless and until the present Directors shall have been relieved from all personal liability whatever contracted by them as aforesaid.

Public Act.

13. This Act shall be deemed a Public Act.

CAP. CXXI.

An Act to incorporate the Marmora and Belleville Railway Company.

[*Assented to* 16*th August*, 1858.]

Preamble.

WHEREAS certain persons have petitioned that an Act may be passed, authorizing the construction of a Railway from the Marmora Iron Works, in the Township of Marmora, in the County of Hastings, to the shores of the Bay of Quinté, in

in the Town of Belleville, in the said County; And whereas such a Railway would greatly advance the interests not only of the County aforesaid, but of the country generally, by assisting to bring out and develope the mineral resources of the country, and render more available the lands opened for public settlement, in the rear of the said County of Hastings: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assemby of Canada, enacts as follows:

Certain persons incorporated

1. Nathaniel Stephen Appleby, of Shannonville; Francis McAnnany, Henry Corby, George Benjamin, Lewis Wallbridge, Henry Gillespie, George Neilson, Benjamin Fairfield Davy, Philip Hambly, John Bell, Charles Levisconte, John O'Hare, Robert Read, James Brown, William Hope, all of the Town of Belleville; Solomon Johns and Lauchlin Hughes, of the Township of Marmora; David B. Johns, James Cook, and William Baker, of the Township of Rawdon; Alfred F. Wood, John R. Ketcheson, and William H. Tumblety, of the Township of Madoc; Abraham L. Bogert, and Felix Gabourie, of the Township of Hungerford; Daniel Thompson, of the Township of Elzevir; James Archibold, James Hagerty, and Philip Ketcheson, of the Township of Huntingdon; Caleb Gilbert and George Taylor, of the Township of Sydney; David Clapp, Delu Ham, and Alexander Wilson, of the Township of Thurlow; George Gordon, of the Village of Trenton; Alexander McLean, of the Township of Tyendinaga, all of the County of Hastings; and Archibald John Macdonnell, George Cumming, and John Flanigan, of the City of Kingston, in the County of Frontenac, together with such other person or persons as shall, under the provisions of this Act, become shareholders in the Company hereby incorporated, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, by and under the name of the "Marmora and Belleville Railway Company."

Corporate name.

Certain clauses of 14, 15 V. c. 51, incorporated with this Act.

2. The several clauses of the Railway Clauses Consolidation Act, with respect to the first, second, third and fourth clauses thereof, and also the several clauses of the said last mentioned Act with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "Directors, their election and duties," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity," and "fines and penalties and their prosecution," "working of the Railway," and "general provisions," shall be incorporated with this Act, and shall accordingly apply to the said Company and the said Railway, except only in so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the provisions of the Railway Clauses Consolidation Act which are incorporated with this Act and the several Acts amending the same.

3.

Line of the Railway.

3. The Company hereby incorporated and their servants and agents, shall have full power to lay out and construct a Railway from the Marmora Iron Works, in the Township of Marmora, in the County of Hastings, to the shores of the Bay of Quinté, in the Town of Belleville, in the County aforesaid, according to any line they shall select, as near as practicable to the line surveyed and laid down by Robert Lawder Innes, Esquire, civil engineer, with such deviation for the public accommodation as may be deemed advisable, with full power to pass over any portion of the county between the points aforesaid, and to carry the said Railway through the Crown lands lying between the points aforesaid, and shall be entitled to charge fares and freight for passengers and goods carried by the said Company.

Deviation.

Tolls, &c.

Capital Stock.

4. The capital of the Company hereby incorporated shall be six hundred thousand dollars, (with power to increase the same in the manner provided by the Railway Clauses Consolidation Act,) which said capital shall be raised in twelve thousand shares of fifty dollars each, and every such share shall entitle the proprietor, on every occasion when the votes of the shareholders are given, to one vote for every such share.

Shares.

Votes.

Provisional Directors appointed.

5. From and after the passing of this Act, the said Nathaniel Stephen Appleby, Robert Read, Charles Levisconte, James Brown, George Benjamin, George Neilson, Solomon Johns, John Bell, Lewis Wallbridge, John O'Hare, John R. Ketcheson, and Archibald John Macdonnell, shall be Provisional Directors of the said Company for carrying into effect the object and purposes of this Act.

Form of conveyances to the Company.

6. Deeds and conveyances under this Act for the Lands to be conveyed to the said Company for the purposes of this Act, shall and may, as far as the title to the said lands or circumstances of the parties making such conveyance will admit, be made in the form given in the Schedule to this Act marked A; and the Registrar of the County of Hastings is hereby required to register in his registry books such deeds, on the production thereof and proof of execution, without any memorial, and to minute every such entry on the deed, and the said Company shall pay the Registrar therefor two shillings and six pence, and no more.

Filling vacancies among the Provisional Directors.

Their powers.

7. It shall and may be lawful for the Provisional Directors for the time being of the said Company, or a majority of them, to supply the place or places of any of their number from time to time dying or declining to act as such Provisional Director or Directors, out of the several subscribers for stock in their said Railway to the amount of four hundred dollars each during the period of their continuance in office; And such Provisional Directors, except as hereinafter provided, shall be and they are hereby invested with all the powers, rights, privileges and indemnities,

indemnities, and they shall be and are hereby made subject unto the like restrictions as the elective Directors of the said Company, upon their being elected by the stockholders of the said Company, as hereinafter provided, would, under the provisions of the Railway Clauses Consolidation Act, and of this Act, become invested with or subject unto respectively.

First general meeting for the election of Directors.

8. When and so soon as shares to an amount equivalent to one hundred and fifty thousand dollars in the capital stock of the said Company shall be taken, and ten dollars per centum thereon shall have been paid into some one of the chartered Banks of this Province, and which said amount shall not be withdrawn from such Bank or otherwise applied except for the purposes of such Railway or upon the dissolution of the Company, it shall and may be lawful for the Provisional Directors of the said Company, for the time being, to call a meeting in the Town of Belleville, of the subscribers for stock therein, and who have paid ten per centum thereon as aforesaid, for the purpose of electing Directors of the said Company; Provided always, that if the said Provisional Directors shall neglect or omit to call such meeting, then the same may be called by any of the holders of shares in the said Company, holding among them not less than an amount equivalent to sixteen thousand dollars; and of any meeting so called by the Provisional Directors, or by the Shareholders as aforesaid, public notice shall be given in at least two newspapers published in the Town of Belleville, for one month immediately preceding the time of such meeting. And at such general meeting the shareholders assembled, with such proxies as shall be present, shall choose nine persons to be Directors of the said Company, being each a proprietor of shares therein to an amount not less than six hundred dollars, and shall also proceed to pass such Rules and Regulations and By-laws as shall seem to them fit, provided they be not inconsistent with this Act.

Proviso: if the Provisional Directors neglect to call it.

Notice.

Powers of such meetings.

Period of service of Directors, and yearly general meetings.

9. The Directors so appointed, or those appointed in their stead (at a meeting to be called for that purpose under the conditions aforesaid) in case of vacancy, shall remain in office for one year, or until such time as shall be provided for by the By-laws, and the Stockholders shall, yearly, in like manner, at such time and place as shall be provided for by the By-laws, meet and elect Directors in the room of those whose period of office shall have expired, and generally to transact the business of the Company; but if at any time it should appear to any ten or more of such Shareholders, holding together five hundred shares at least, that a special general meeting of the Shareholders is necessary to be held, it shall be lawful for such ten or more of them to cause fifteen days' notice at least to be given thereof, in such newspapers as are hereinbefore provided, specifying in such notice the time and place and the reason and intention of such special meeting respectively; and the Shareholders are hereby authorized to meet pursuant to such notice

Special general meetings.

...to the execution of the powers by this Act ...respect to the matter so specified only; and ...reholders, or the majority of them, at ...ssembled (such majority not having, ...ies, less than two hundred and fifty ...ll intents and purposes as if the ...tings. Powers of such metings.

...r the Directors of the said Company ...make, execute and deliver all such scrip ...es, and all such bonds, debentures, mort ...securities, as to the said Directors for the time ..., from time to time seem most expedient for raising ...essary capital for the time being, authorized to be raised ...by the said Company, or for raising any part thereof; Provided always, that the portion of the capital to be raised by bonds, debentures or mortgages, shall not exceed four hundred thousand dollars. Directors to issue scrip, bonds, &c. Proviso.

11. All bonds, debentures and other securities to be executed by the said Railway Company, may be payable to bearer, and all such bonds, debentures, or other securities of the said Company, and all dividends and interest warrants thereon respectively, which shall purport to be payable to bearer, shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof for the time being in their own names. Bonds, &c., may be payable to bearer and transferable by delivery.

12. Any meetings of the Directors of the said Company, at which not less than five of such Directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said Directors. Quorum of Directors.

13. Calls may be made by the Directors of the said Company for the time being: Provided that no call to be made upon the subscribers for stock in the said Railway Company, shall exceed the sum of ten dollars per centum upon the amount subscribed for by the respective shareholders in the said Company, and that the amount of any such calls in any one year shall not exceed fifty dollars per centum upon the stock so subscribed: Provided also, that upon the occasion of any person becoming a subscriber for stock in the said Company, it shall and may be lawful for the Provisional and other Directors of the said Company, for the time being, to demand and receive to and for the use of the said Company, the sum of ten dollars per centum upon the amount so by such person respectively subscribed, and the amount of such calls as shall have already been made payable in respect of the stock then already subscribed, at the time of such person respectively subscribing for stock. Calls. Not to exceed a certain amount within a given time. Proviso: ten per cent. may be paid on subscribing.

14. And whereas it may be necessary for the said Company to possess gravel pits, and lands containing deposits of gravel, Recital.

gravel, as well as lands for stations and other purposes, at convenient places along the line of Railway, for constructing and keeping in repair, and for carrying on the business of the said Railway; And as such gravel pits and deposits cannot at all times be procured without buying the whole lot of land whereon such deposits may be found; Therefore, it shall be lawful for the said Company, and they are hereby authorized, from time to time, to purchase, have, hold, take, receive, use and enjoy along the line of the said Railway or separated therefrom, and if separated therefrom, then with the necessary right of way thereto, any lands, tenements and hereditaments which it shall please Her Majesty, or any person or persons, or bodies politic, to give, grant, sell or convey unto, and to the use of, or in any trust for the said Company, their successors and assigns, and it shall and may be lawful for the said Company to establish stations or workshops on any of such lots or blocks of land, and from time to time, by deed of bargain and sale or otherwise, to grant, bargain, sell or convey any portions of such lands not necessary to be retained for gravel pits, sidings, branches, wood yards, station grounds or workshops, or for effectually repairing, maintaining and using to the greatest advantage the said Railway, and other works connected therewith.

Company may acquire gravel pits, &c.

Commencement and completion of the Railway.

15. The said Railway shall be commenced within three years and completed within seven years after the passing of this Act, and unless commenced and completed within the said several periods, this Act shall be null and void.

Public Act.

16. The Interpretation Act shall apply to this Act; and this Act shall be deemed a Public Act.

SCHEDULE A.

Know all men, by these presents, that I , (*Insert the name of the wife also, if she is to release her dower, or for any other reason to join in the conveyance*), do hereby, in consideration of paid to me (*or as the case may be*) by the Marmora and Belleville Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto the said Marmora and Belleville Railway Company, their successors and assigns for ever, all that certain parcel or tract of land situate (*describe the land*), the same having been selected and laid out by the said Company for the purpose of their Railway, to have and to hold the said land and premises, together with every thing appertaining thereto, unto the said Marmora and Belleville Railway Company, their successors and assigns for ever, (*if there be dower to be released, add*),

add), and I (*the name of the wife*), hereby release my dower in the premises.

Witness my hand (*or* our hands) and seal (*or* seals) this day of , one thousand eight hundred and .

H. B. [L. S.]
C. D. [L. S.]

Signed, sealed and delivered in the presence of } E. F.

CAP. CXXII.

An Act to incorporate the North-West Transportation, Navigation and Railway Company.

[*Assented to 16th August*, 1858.]

Preamble.

WHEREAS William H. Boulton, Thomas Clarkson, Allan Macdonell, John McMurrich, George Monro, Thomas Hutchinson, Esquires, and others, of the City of Toronto, have presented a Petition to the Legislature of this Province, praying that an Act might be passed to authorize them to establish communications within the Northern and the Western limits of Canada: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Company incorporated.

1. William Henry Boulton, Thomas Clarkson, Allan Macdonell, John McMurrich, George Monro, John Hutchinson, Esquires, and others, together with such person or persons as shall, under the provisions of this Act, become shareholders of the Company hereinafter mentioned, shall be, and are hereby ordained, constituted and declared to be a body corporate, in fact and in name by the name of the "North-West Transportation, Navigation and Railway Company," and by that name they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all Courts of Law and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and they and their successors shall and may have a common seal, and may change and alter the same at their will and pleasure; and also, they and their successors, by the same name of the "North-West Transportation, Navigation and Railway Company," shall be in law capable of purchasing and holding to them and their successors, any personal estate or property whatever, and such real estate as may be necessary for their use and occupation, and for carrying into effect the powers hereby vested in them, and of letting, selling, conveying or otherwise departing therewith for the benefit and on the account

Corporate name.

General powers.

account of the said Company, from time to time, as they shall deem expedient or necessary.

Powers of Company to make Roads, Railways, Tramways, Canals.

To render navigable water-courses or channels of water communication from one or more points on the shore of Lake Superior to the interior.

Proviso.

Proviso.

2. It shall be lawful for the Governor in Council, upon the report of the Commissioner of Crown Lands, to authorize the said Company to enter upon any ungranted lands of the Crown, and to make and establish facilities for the purposes of transportation, traffic and trade; and for such purposes, to build roads, tramways, railways or canals between navigable waters, and to improve or render navigable water courses or channels of water communication, from any place or places on the Shores of Lake Superior, to any point in the interior, or between any navigable waters within the limits of Canada, and to build wharves, erect warehouses, stores and other buildings, or any other works wherever the same may be deemed expedient, and to sell or grant to the said Company the lands necessary for these purposes; Provided always, that the Company shall first lay before the Commissioner of Crown Lands detailed plans of any works so contemplated, to be submitted by the said Commissioner, with his report, for the information and approval of the Governor in Council, and shall not deviate from the said plans without being thereunto authorized by the Governor in Council; And provided further, that the Governor in Council shall only authorize such works in one single continuous line of communication extending westward from Lake Superior.

Authority to enter upon lands, being within the shores of Lake Superior and within the limits of Canada for purposes of survey.

Power to construct, acquire, charter and navigate steam vessels and other vessels within the limits of Canada, to the northward and the westward of Lake Superior.

3. For the purposes aforesaid, the said Company, their deputies, servants, agents and workmen, are hereby authorized and empowered to enter into and upon any of the lands of the Queen's Most Excellent Majesty, of any other person or persons, bodies politic or corporate, or communities whatsoever, lying to the northward or the westward, or within the shores of Lake Superior, and being within the limits of Canada, and to survey and take levels of the same or any part thereof, and to set out or ascertain such parts thereof as they shall think necessary and proper for the making of roads, railways, tramways, canals, and the improving and rendering navigable water courses and channels of water communications, and so forth, and all such other works, matters and conveniences as they shall think proper and necessary for making, effecting, preserving, improving and maintaining all and every the works contemplated by this Act; and it shall and may be lawful for the said Company to construct, acquire, charter, navigate and maintain boats, vessels and steam vessels, for carrying on trade and conveying goods and other traffic and passengers on Lakes Huron and Superior, and on the lakes and rivers lying to the northward and to the westward of Lake Superior, and being within the limits of Canada, and *vice versa*, and steam and other vessels for all business and purposes connected therewith, and the profitable prosecution thereof, and shall have power to buy and sell and trade, as may be deemed expedient, and

and to make contracts and agreements with any person or persons whatsoever, for the purposes aforesaid or otherwise, for the benefit of the Company.

Capital Stock, £100,000, with power to increase the same.

4. The capital stock of the said Corporation shall be one hundred thousand pounds, and the same is hereby declared to be divided into twenty thousand shares of the value of five pounds each; and if the said sum of one hundred thousand pounds be found insufficient for the purposes of this Act, then and in such case it shall and may be lawful for the said Company, by a vote representing two thirds of the capital stock aforesaid, at any general meeting to be called for that purpose, to increase the capital stock of the Corporation, either by the addition of new subscribers to the said undertaking, or otherwise, to a sum not exceeding in all the sum of two hundred thousand pounds, and the capital so to be raised by the creation of new shares shall be in all respects part of the capital stock of the said corporation, and every holder of the new stock shall be a member of said corporation; Provided always, that if the construction of any greater length than five miles of Railway, between navigable waters, in any one place, shall be authorized by the Governor in Council, then the Capital Stock of the said Company may be further increased at the rate of seven thousand five hundred pounds for every additional mile of railway so to be constructed.

Proviso.

Liability of Shareholders limited.

5. No shareholder in the said corporation shall be in any manner liable to be charged with the payment of any debt or demand due by the said corporation, beyond the amount of his, her or their subscribed share or shares in the capital stock of said corporation.

£50,000 to be subscribed before commencing, and 10 per cent. paid.

6. It shall not be lawful for the said Company to proceed with their operations under this Act, until fifty thousand pounds of the capital stock shall have been subscribed, and ten per centum shall have been paid thereon.

Corporations, &c., may take shares.

7. Any joint-stock company, community, or body corporate, may take shares in the said company.

Ten Directors to be elected yearly.

8. For the management of the affairs of the said corporation, there shall be elected by the shareholders of the said corporation at a general meeting of them to be holden annually, ten directors, each one being a proprietor of not less than twenty shares of the capital stock of the corporation, the majority of whom shall elect from among themselves, a president and a vice-president, one of whom shall preside at the general board meetings and otherwise discharge the duties pertaining to such offices; and whenever a vacancy shall happen in the board of directors by death or resignation, or by reason of any director declining or neglecting to act for a period of three months after his election, such vacancy

Vacancies, how filled.

vacancy may be filled up by the majority of directors for the time being, appointing some shareholder to supply the vacancy so accruing; nevertheless, any acts done by the surviving directors or the majority of the acting directors without having the vacancy filled up, shall not be deemed invalid; And six directors shall form a quorum of the board, and may exercise all the powers of the directors; And the directors shall have power to dispose of such part of the stock of the said corporation as may remain to be disposed of, or may from time to time be added to or fall to the general stock either by forfeiture or otherwise, on such terms and conditions, and to such parties as they may think most likely to promote the interests of the said corporation; And they shall have full power to make such calls for money from the several shareholders for the time being, as may be provided by any by-law, rule or regulation of the said corporation, and to sue for, recover and get in all calls whether already made or to be made by them, and to cause and declare the said shares to be forfeited to the company in case of non-payment, on such terms and in such way as shall be prescribed by any by-law of the company; And to maintain an action for the recovery of calls, it shall be sufficient to prove by any one witness, that at the time of making such call the defendant was a shareholder in the number of shares alleged, and that the calls sued for were made and notice given in conformity with the by-laws of the said corporation, and it shall not be necessary to prove the appointment of directors nor any other matter whatsoever; The said directors shall and may use and affix or cause to be used and affixed the common seal of the said corporation to any document which in their judgment may require the same, and any act or deed bearing such seal and signed by the president or the vice-president, and countersigned by the secretary, shall be held to be the act and deed of the corporation; The president and vice-president and directors shall have power to appoint or discharge all and every officer and servant of the company, and to make by-laws for the government and control of the officers and servants of the company, and appointing the salary or allowance to be made to them respectively, and shall have power to make and frame all other by-laws, rules and regulations for the management of the affairs of the company in all its details and particulars, also for establishing the rule of voting for directors of the company, and the same also to change at any time, modify or repeal; which by-laws, rules and regulations shall be submitted for approval, rejection or alteration by the shareholders at the next general meeting, or at a special meeting to be called by the said directors for such special purpose, and in conformity with any by-law providing for such special meeting; and any copy of the by-laws of the said corporation, or of any of them, purporting to be under the hand of the clerk, secretary or other officer of the said company, and having the seal of the said corporation affixed to it, shall be received as *primâ facie* evidence of such by-law in all Courts in this Province.

Quorum.

Powers of Directors.

Powers as to calls.

Affixing corporate seal.

President and Directors to make By-laws.

By-laws to be sanctioned by general meeting of Shareholders, or by a meeting called specially for that purpose.

9. The first general meeting of shareholders for the election of directors shall be holden at the office of said corporation, in the city of Toronto, on the first Monday in May, in the year of our Lord one thousand eight hundred and fifty-nine, and unless otherwise provided for by some by-law to be made and sanctioned by the corporation, the general meeting for the election of directors shall take place in each succeeding year thereafter, on the like day of the year and at the like place; The directors so elected at such general meetings shall be elected to serve for the year then ensuing, and at the expiration thereof, each and every director may be re-elected by the shareholders; and at all such general meetings the shareholders of the said company may vote by proxy, every such proxy being appointed by an instrument in writing under the hand of the shareholder appointing him.

The first general meeting of Shareholders.

Term of service.

Proxies.

10. Until such first general meeting as aforesaid, and election of directors, the directors of the said corporation are hereby declared to be Thomas Clarkson, Allan Macdonell, John McMurrich, George Monro, William McMaster, E. T. Richardson, Angus D. Macdonell, Thomas Dick, William McDonnell Dawson, J. Brown, Adam Wilson, Clark Ross, Jean Charles Chapais, George Honoré Simard, John McLeod and Ignace Gill, with power to add to their numbers until the first general meeting; And they, or the survivors of them, shall be and are hereby constituted to be Directors of the said Corporation, and shall have and exercise all and every the powers, and shall be subject to all and every the clauses and conditions imposed on Directors to be chosen under this Act; Provided that at the first meeting of the Directors to be holden after the passing of this Act, the said Directors shall choose and elect from among themselves a President, and a Vice-President. The said President, Vice-President and Directors shall have power and authority to establish for certain purposes, and have a place of business or office or offices, and appoint agents and offices in England and in the United States of America; and to open books of subscription in all and every place of business so established, and to receive subscriptions for the stock of the said Corporation, transferable there respectively; and to make all such instalments called thereon and dividends declared thereon, payable there respectively.

Provisional Directors of the Corporation.

To elect a President and a Vice-President.

Proviso.

Company may have officers in the United States, &c.

11. Any one of the Directors aforesaid may call a meeting for the election of President and Vice-President.

Meeting for election of President, &c.

12. The shares of the said Company shall and may be assignable by the delivery of the certificate to be issued to the holder of such share or shares respectively, and by assignment in some convenient form, and on conditions to be prescribed by any By-law of the said Corporation.

Shares to be transferable, and how.

13.

Act of Incorporation; and such three Directors shall be appointed and hold office in the same manner and for the same term as Directors heretofore appointed in the Company.

Reeve of St. Thomas to be a Director conditionally.

2. So long as the Municipality of the Village of St. Thomas shall continue to hold five thousand pounds or upwards of stock in the said Company, the head of the said Municipality shall, *ex officio*, be one of the Directors of the said Company in addition to the other Directors thereof, and shall have the same rights, powers and duties, as any of the Directors of the Company.

Warden of Elgin to be a Director conditionally.

3. So long as the Municipality of the County of Elgin shall continue to hold stock to the amount of five thousand pounds or upwards in the said Company, the head of the said Municipality shall, *ex officio*, be one of the Directors of the said Company, in addition to the other Directors thereof, with the same rights, powers and duties.

Warden of Middlesex to be a Director conditionally.

4. So long as the Municipality of the County of Middlesex shall continue to hold stock to the amount of five thousand pounds or upwards in the said Company, the head of the said Municipality shall, *ex officio*, be one of the Directors thereof, with the same rights, powers and duties.

Mayor of London to be a Director conditionally with two others appointed by the City Council.

5. So long as the Municipality of the City of London shall continue to hold stock in the said Company to the amount of fifty thousand pounds or upwards, the said Municipality shall be entitled to be represented in the Board of Directors of the said Company by three Directors, the Mayor of the said City for the time being shall be and continue to be, *ex officio*, one of the Directors of the said Company, and the other two Directors from the said Municipality shall be appointed as hereinafter provided.

Two Directors to be appointed by the City Council.

6. It shall be the duty of the City Council of the City of London, immediately after the passing of this Act, and in each year after this present year, within one month after the Council shall have become duly organised, to appoint two of the members of the said Council other than the Mayor, as Directors of the said Company, who shall continue in office as such Directors during the residue of the term of office of the said members in the said City Council at the time of their appointment, and no longer, but may, in case of re-election as members of the Council, be eligible to be appointed as such Directors.

Appointment of successors of Directors dying or going out of the Council.

7. In case the Directors appointed by virtue of the sixth section, or either of them, shall die during their term of office as such Directors, the City Council may, from among the members of the said Council, appoint their successors, who shall hold office as Directors for the residue of the term of the person succeeded, and the Council may in the same manner appoint

appoint a successor to either or both of the Directors appointed by them, should such Directors cease to be members of the said Council from any cause whatever, after their election as such Directors and before the expiration of their term of office.

When present Directors shall go out.

8. The Directors now constituting the Board of Direction of the said Company shall continue and hold office as such Directors until the first day of November, one thousand eight hundred and fifty-eight.

Election of new Directors by Shareholders.

9. It shall be lawful for the Shareholders of the said Company, immediately after the passing of this Act, to call a general meeting of the Shareholders of the said Company for the purpose of electing three Directors in place of those whose term of office shall cease at the time mentioned in the eighth section.

Notice of general meeting for first election, &c.

10. Such general meeting shall be held after ten days' notice thereof to be given of the time and place of holding such meeting by the Secretary of the said Company, such notice to be published at least once in some newspaper published in the City of London, and also in some newspaper, if any, published in the Town of St. Thomas; and it shall be the duty of the said Secretary to call the said meeting for some day previous to the fifteenth day of September next, and in default thereof the head of any Municipality holding stock in the said Company may call the said meeting.

Subsequent elections.

11. All subsequent elections of Directors shall be held in the manner provided in the special Act of Incorporation.

Inconsistent enactments superseded.

Proviso.

12. This Act shall take effect, notwithstanding any thing to the contrary contained in any other Act or Acts of the Parliament of this Province; Provided always that inasmuch as the present Directors have incurred personal liabilities for the said Company for money borrowed for its use and otherwise, therefore the foregoing provisions shall have no effect unless and until the present Directors shall have been relieved from all personal liability whatever contracted by them as aforesaid.

Public Act.

13. This Act shall be deemed a Public Act.

CAP. CXXI.

An Act to incorporate the Marmora and Belleville Railway Company.

[*Assented to* 16*th August*, 1858.]

Preamble.

WHEREAS certain persons have petitioned that an Act may be passed, authorizing the construction of a Railway from the Marmora Iron Works, in the Township of Marmora, in the County of Hastings, to the shores of the Bay of Quinté, in

Proviso. Act as aforesaid. Provided always that th and authorities given by the Railway Claus Act, with respect to lands and their valuati exercised until the approval and consent Railway Commissioners shall have been firs

Commencement and completion of the work. **3.** The said Railway or Tramroad shall within two years and completed within fiv passing of this Act.

Public Act. **4.** The Interpretation Act shall apply to shall be deemed a Public Act.

CAP. CXXIV.

An Act to amend the Act to incorporat tional Bridge Company.

[*Assented to* 16*th*

Preamble. 20 V. c. 227. WHEREAS an Act was passed in the Her Majesty's Reign, intituled, *An the International Bridge Company*, which amend, and the Board of Provisional Directo for an Act to amend the same: Therefore, and with the advice and consent of the Le and Assembly of Canada, enacts as follows:

Capital of the Company. **1.** The Capital of the said Company shall hundred thousand dollars, divided into fifteen of one hundred dollars each.

Tolls may be collected by the Company, but not to exceed certain rates. **2.** Whenever the bridge authorized by the complete for the passage of ordinary trains a said Company may erect toll-gates, fix and co and make such erections as the Directors may guard the entrance to the said bridge, and from entering upon or passing the same with tolls; but no greater tolls than the following for entering upon or passing over the said say:—For each foot passenger, twenty-five horse and rider, fifty cents; for each horse an sixty cents; and an addition of eighteen cents of a cent for each passenger actually travel riage; for each other passenger, the sum of t for each double carriage and two horses eighteen cents and three-fourths of a cent fo actually travelling therein, and twenty-five c tional horse attached to such carriage; for half cent per head; for swine, two cents eac six cents per head; for each horse in droves cents and a half.

Company need not keep steam-tugs.

3. So much of the thirteenth section or of any other part of the said Act, as provides that the International Bridge Company shall keep steam-tugs for the purpose of towing vessels through the draws of the bridge, shall be and is hereby repealed.

Section 18 of the said Act amended.

4. The eighteenth section of the said Act shall be so amended as to read as follows:—"The said Company shall, before any steps are taken in erecting the piers of the said bridge, cause to be published three times in one of the public newspapers in each of the Counties of Lincoln, Welland and Brant, a notice, in which shall be stated the particular location of the said bridge with reference to known land-marks, the number of its piers, the length and breadth of its piers, and the distances between them, the width in the clear of the draw openings, respectively, the entire length of the bridge from land to land, and its height above the water at its ordinary state; and a copy of this notice, the facts of which shall be verified by the oath of the Engineer, signed by the President and Secretary of the Company, and acknowledged by them before a Magistrate or Notary Public, shall be filed in the offices of the respective Clerks of the Peace of the said hereinbefore mentioned Counties."

Notice to be given before the piers of the bridge are erected.

Copy of notice to be filed.

Company may enter into agreement with the city of Buffalo.

5. It shall be lawful for the said Company to enter into any agreement with the Mayor and Corporation of the City of Buffalo, in the United States of America, for the purpose of obtaining the aid of the Corporation of that City in the erection of the bridge; and for such purpose the said Company may accept any guarantee of interest upon their expenditure, or any loan of money or other pecuniary assistance which may be agreed upon by the said parties, and may give such security to the said Mayor and Corporation, as may be agreed upon between them.

Company to collect back charges on certain goods.

6. The Directors of the said Company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession; and on payment of such back charges, shall have the same lien for the amount thereof, upon such goods or commodities as the persons to whom such charges were originally due had upon such goods or commodities while in their possession; and shall and may have power to do all things whatever which may be requisite or necessary to carry out the objects of the Corporation.

Public Act.

7. This Act shall be deemed a Public Act, and shall be construed as one Act with the Act amended by it.

CAP. CXXV.

An Act to amend the Act incorporating the Canadian Inland Steam Navigation Company.

[*Assented to 16th August*, 1858.]

Preamble.

WHEREAS the Canadian Inland Steam Navigation Company have by their petition represented, that the operations of the said Company will be promoted by amending their said Charter in certain respects, and it is desirable to accede to the prayer of the said Petitioners, as hereinafter provided: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Provisional Directors under 16 V. c. 169, to hold office until others are elected at an annual or special general meeting.

1. The Directors appointed by the said Act, intituled, *An Act to incorporate the Canadian Inland Steam Navigation Company*, shall hold office as such, and exercise all necessary and requisite powers in the conduct and management of the affairs of the said Company, until an annual general meeting of the shareholders of the said Company shall be duly holden, or until a special general meeting of the shareholders shall be convened and holden, for the purpose of electing successors to the said Directors, and successors shall be elected at such meeting or meetings; and such special meeting may be convened by requisition of any three of the members of the said Corporation.

Provisional Directors to have the same powers as if elected, &c.

2. The Provisional Directors, until an election be holden, or the Directors elected at any special meeting of the shareholders as aforesaid, shall have and exercise the powers conferred by the said Act upon the Directors of the said Coporation, as fully as if elected at an annual meeting; and the Directors to be elected at such special or annual meeting, shall continue in office until the appointment of their successors, as provided by the said Act.

Failure of election not to dissolve the Corporation, &c.

3. If at any time it shall happen that an election of Directors shall not be made on any day when, pursuant to the said Act or this Act, it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day to hold and make an election in the same manner as the annual election of Directors is in the said Act provided for; and the then Directors shall remain in office until such election is had in due course.

When the Company must commence the operations.

4. The said Company shall commence operations under the said Act and this Act, within five years from the passing of this Act, in default of which they shall forfeit and lose all the benefits, rights, privileges and advantages thereby and hereby conferred upon them.

CAP.

CAP. CXXVI.

An Act to incorporate the River St Clair and Two-Creeks Ship Canal Company.

[*Assented to 16th August*, 1858.]

Preamble.

WHEREAS C. Coatsworth, Leonard Wiggle, J. Wigfield and others, have, by their petition to the Legislature, prayed to be incorporated for the purposes of this Act: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Company incorporated.

1. The Honorable John Prince, Arthur Rankin, John McLeod, T. A. Stayner, T. C. Street, George S. Hayard, the Honorable Mr. Dickson, James Henderson, Alexander Cameron, A. P. Salter, Edwin Larwill, J. B. Williams, George Kirk, George Thomas, Theodore Malott, George Middleton, James Dougall, William Gaines, John Smith, C. Coatsworth, James Robinson, Isaac Russell, James Smith, J. Wigfield, Alexander McGregor, Joseph Marks, William Nicholson, Peter Desjardins, or either of them, together with all such persons (subjects of Her Majesty, or others) as shall become Stockholders of the Company hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact and by the name of the "River St. Clair and Two-Creeks Ship Canal Company," and by that name they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all Courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and they and their successors may and shall have a common seal, and may change and alter the same at their will and pleasure; and also, they and their successors by the same name of the "River St. Clair and Two-Creeks Ship Canal Company," shall be in law capable of purchasing and holding to them and their successors, any estate, real, personal or mixed, to and for the use of the said Company, and of letting, selling, conveying or otherwise departing therewith for the benefit and on the account of the said Company, from time to time, as they shall deem expedient or necessary.

Corporate name and general powers.

Line of the Canal, and power to explore, &c.

2. The Directors of the said Company shall have full power and authority to survey and explore the country lying between the waters of the said River St. Clair and Lake Erie, and to designate and establish, and for the said Company, to take, appropriate, have and hold, to and for the use of them and their successors, the line and boundaries of an intended Canal, to commence at some point on the waters of the River St. Clair,

Clair, and to connect the waters of the said River St. Clair with those of Lake Erie, at or near Two-Creeks, in the Township of Romney, in the County of Kent, and to build and erect the same with the necessary locks, dams, tow-paths, branches, feeders, basins and tram-ways, and also to select such sites for such warehouses and other erections as may be considered expedient by the said Directors, and to purchase and dispose of the same to and for the use and profit of the said Company; Provided that nothing hereinbefore contained shall be construed to extend to compel the owners of any mill seat which shall be in existence before the construction of the said Canal, or any of its branches or feeders, to sell or convey the same to the said Company, unless the same shall be in the line of the said Canal, or that the possession of the same shall be necessary to the construction of the said Canal or any of its branches or feeders; Provided also that the owner or owners of any mill seat or mill seats, using any additional supply of water brought thereto by the said Canal or its branches or feeders, shall pay a reasonable compensation therefor to the said Company, to be determined as hereinafter provided for determining any damage done to property by the said Company.

And to construct the necessary works.

Proviso: as to mill seats.

Proviso: as to additional supply of water by canal

3. It shall and may be lawful for the said Company, and they are hereby authorized and empowered, from and after the passing of this Act, to supply the said Canal, whilst making, and when made, with water from all such brooks, springs, streams, water courses, lakes, hollows or repositories of water as shall be found in making the said Canal, or within the distance of two thousand yards of the same or any part thereof, or any reservoir or reservoirs to be made for the supplying of the said Canal with water; and the said Company are hereby authorized and empowered to make all such reservoirs and such and so many feeders, branches, aqueducts, tunnels and channels in connection with and for the use of the said Canal, as to them shall seem necessary and proper: and for the purposes aforesaid, the said Company, their agents, servants and workmen are hereby authorized and empowered to enter upon and into the lands and grounds of or belonging to the Queen's Majesty, Her Heirs or Successors, or to any other person or persons, bodies corporate or politic, (except as hereinbefore mentioned,) and to survey and take lands of the same or any part thereof, and to set out and ascertain such parts as they shall think necessary and proper for the making of the said Canal and its appurtenances, and for the completion of the said water connexion and navigation, according to the true intent and meaning of this Act, and all such other matters and conveniences as they shall think proper and necessary for making, preserving, improving, completing and using the said intended navigation, and also to bore, dig, trench, cut, remove, take, carry away, and lay soil, clay, stone, rubbish, trees, roots and stumps of trees, beds of gravel or sand, or any other matter or thing which may be dug or got in the making of the said

Power to use water courses, &c., as feeders.

To make surveys and set out lands.

To take soil, clay, stone, &c.

said Canal, or in deepening or improving the navigation of any river or rivers, lake or lakes in connexion with and forming part of the intended navigation, or out of any land of any person or persons adjoining or contiguous thereto, and which may be proper or convenient for carrying on the repairing of the said Canal or other the said works, or which may hinder or obstruct the making, completing and using the same, and the same to lay in or upon the boundaries of the said Canal, or the rivers and lakes forming portions of the said navigation, or in and upon the land of any person or persons adjoining thereto; and also to make, build, erect and set up, in and upon the said Canal, and at the points of entrance to the same or any part thereof, or of the said intended navigation, or upon the land adjoining or near the same, such and so many wharves, quays, piers, landing places, bridges, tunnels, aqueducts, sluices, rivers, pens for water, tanks, reservoirs, drains, bridges and other ways, roads and works, as the said Company shall think requisite and convenient for the purposes of the said navigation; and also, from time to time to alter, enlarge, amend and repair the said works or any of them, for conveying all manner of materials necessary for making, erecting, altering or repairing, widening or enlarging the said works or any part thereof, and also, to place, lay, work and manufacture the said materials, and erect such workshops, forges and other erections as they may deem necessary, upon the lands near to the said works; and to make, maintain and alter any places or passages over, under or through the said Canal or any of its branches or connexions, or other part of the said intended navigation; And also to make, purchase, set up and appoint such tug or tow-boats, barges, vessels or rafts, for the use of the said navigation, as they shall see fit; also, to erect and keep in repair any piers, arches or other works, in, upon and across, any rivers, brooks or lakes, for making, using, maintaining and repairing the said Canal, and other the rivers and navigable waters, forming part of the said intended navigation, and the towing-paths and other conveniences connected therewith; And also to construct, make and do all other works, matters and things whatsoever, which they shall think necessary and convenient for the making, effecting, preserving, improving, completing and using the said Canal and the said intended navigation in pursuance of and within the true meaning of this Act, they, the said Company, doing as little damage as may be in the execution of the powers hereby granted, and making satisfaction, in manner hereinafter mentioned, for all damages to be sustained by the owners or occupiers of such lands, hereditaments and tenements.

To construct wharves, quays, and other works.

To enlarge and repair works.

To own and work tug-boats, &c.

General powers of like kind.

4. After any land or ground shall be set out and ascertained to be necessary for the purposes of the said navigation or other purposes herein mentioned, it shall be lawful for all owners, whether individuals or bodies corporate, politic, or trustees or lessees, or other party or parties holding any right, title, interest or

Certain parties enabled to convey lands to the Company for their works.

or claim to any of such lands or grounds, to contract for, sell and convey to the said Company, all or any part of such land or ground which shall, from time to time, be set out and ascertained as aforesaid; and all such contracts, agreements, sales and conveyances shall be valid and effectual in law, to all intents and purposes, notwithstanding any law, statute or usage to the contrary, and the amount of the purchase moneys to be paid for such lands or grounds respectively, shall be ascertained by arbitration as hereinafter mentioned, unless in such cases as the owner or owners may agree thereupon, without the intervention of any third party.

Directors may agree with owners for land or damages.

5. The Directors of the said Company may contract, compound, compromise, settle and agree with the owners or occupiers respectively, of any land through or upon which they may determine to cut and construct the said Canal or other works hereby authorized, either for the purchase of so much of the land as they shall require for the purposes, uses or profit of the Company, or for damages which he, she or they shall or may be entitled to recover from the said Company, in consequence of any of the works hereby authorized, being constructed in or upon his or their respective lands; and in case of any disagreement between the said Directors and the owner or owners, occupier or occupiers aforesaid, the amount of the purchase moneys for the lands and tenements proposed to be purchased, or the amount of damages to be paid to them as aforesaid, shall be ascertained by arbitration in manner hereinafter mentioned.

Arbitration in case of disagreement.

How such arbitration shall be had.

6. In each and every case where any dispute shall arise between the said Directors and any other person or persons whomsoever, touching any purchase, sale or damage, or the money to be paid in respect thereof, and in each and every case where, under the provisions of this Act, any purchase, sale or damage, or the money to be paid in respect of the same are directed to be ascertained and determined by arbitration, the same shall be referred to, ascertained and determined by three indifferent persons, one of whom shall be chosen by the owner or occupier of the land, or other person or persons interested, who shall disagree with the said Directors in respect to the compensation or purchase money to be paid him, her or them respectively, pursuant to the provisions of this Act; one other of the arbitrators shall be chosen by the said Directors, and the third shall be chosen by the two persons to be so named as aforesaid, and such three persons shall be the arbitrators to award, determine, adjudge and order the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same, and the award of such three persons, or any two of them, shall be final; and the said arbitrators so appointed are hereby required to attend at some convenient place on or near the line of the said Canal, to be appointed by the said Directors, within eight days after notice in writing shall be given them by the said Directors for that purpose,

Appointment of arbitrators.

Meeting.

purpose, then and there to arbitrate, award and determine such matters as shall be submitted to their consideration by the parties interested; and each of the said arbitrators shall be sworn before one of Her Majesty's Justices of the Peace for the district in which the land is situate, for that purpose, any of whom may be required to attend the said meeting, for that purpose, well and truly to assess the damages between the parties according to the best of his judgment; Provided that no arbitrator shall be compellable to attend such meeting, who originally resides more than twenty-five miles from the place of meeting; Provided also, that if the owner or owners, or other person or persons interested in any of the land required for carrying out the purposes of this Act, shall neglect or refuse to appoint an arbitrator, upon being notified to do so by the Directors aforesaid, by writing a letter to that effect, addressed to him, her or them, at his or their last, or then present residence, and by publication of such notice for one month in one or more local newspapers of the District in which the land is situated, then and in that case, after the expiration of thirty days from the time of such notice being fully completed, the Judge of the County Court within which the lands are situate shall act as arbitrator for such party or parties so refusing or neglecting, and the said Judge shall, with the other two arbitrators, as hereinbefore provided, proceed to adjudge and determine the damages or purchase money, or other matter or thing submitted to their judgment, according to the provisions of this Act; And provided further, that either party dissatisfied with the said award may apply to any of the Superior Courts of Law or Equity during the Term next after the publication of such award, to set it aside, for any cause for which an award would be set aside as between party and party; and any of the said Courts shall have cognizance thereof, although the submission do not provide for its being made a Rule of Court; And provided further, that in all arbitrations under this Act, the arbitrators shall take into consideration the benefit conferred on the property on which they are arbitrating, as well as the damage done to any particular portion thereof.

They shall be sworn.

Proviso.

Proviso: if the owner fails to appoint an arbitrator.

Proviso: appeal to set aside the award.

Proviso: as to mode of estimating damages.

7. For the purposes of this Act, the said Company shall and may, by some Provincial Land Surveyor in the Province, and by an Engineer by them appointed, cause to be taken and made, surveys and levels of the said lands through which the said intended Canal is to be carried, together with a map or plan of such intended Canal, and the course and direction thereof, and of the said lands through which the same is to pass, and also a book of reference of the said Canal, in which shall be set forth a description of the said several lands, and the names of the owners, occupiers and proprietors thereof, so far as the same can be ascertained, and in which shall be contained every thing that is necessary for the right understanding of such map or plan, copies of which said map or plan and book of reference shall, on the completion of such survey, map and

Map and book of reference to be made and deposited open to the public.

and book of reference, be deposited by the said Company in the offices of the respective Registrars for the several Counties through which the said Canal or any part thereof shall pass, and also in the office of the Secretary of this Province; and all persons shall have liberty to resort to such copies so to be deposited as aforesaid, and to make extracts from or copies thereof as occasion shall require, paying to the said Secretary of this Province, or to the said respective Registrars, at the rate of six pence current money of this Province, for every one hundred words; and the said copies of the said map or plan and book of reference so deposited, or a true copy or copies thereof, certified by the Secretary of the Province, or by one of the said Registrars for the said respective counties, shall severally be, and they are hereby declared to be good evidence in the Courts of Law and elsewhere.

Copies: and their use, in evidence, &c.

Bridges to be made over roads cut by the canal.

8. Whenever any highway or public road shall be cut through by the said Canal, or any of its branches, the said Company shall, within one month thereafter cause to be constructed a secure and sufficient bridge over the same with proper approaches not exceeding a grade of one foot in twenty feet so as to establish the communication between the several parts of such highway, under a penalty of five pounds per day for every day after the expiring of the said time, during which the Company shall neglect to construct the said bridge: Provided always that in the meantime some temporary means of passing along the said highway shall be constructed or procured; Provided further that if the canal hereby authorized to be constructed crosses any Railway now built or authorized to be built, the said Company shall build such bridge permanent or otherwise, and shall construct such works for carrying the Railway over the said Canal as the Governor in Council shall direct.

Proviso.

Proviso.

Persons destroying or injuring the works, to be liable for damages.

9. If any person or persons shall maliciously or wilfully break, injure, throw down or destroy any bank, lock, gate, sluice, or any other work, machine, or device belonging or pertaining to the said Company, or do any other wilful act, hurt or mischief, to disturb, hinder or prevent the carrying into execution the completing and supporting the said Canal and navigation, or any of its branches, feeders, or other connexions or works belonging to the said Company, every such person or persons so offending shall forfeit and pay to the said Company the full value of the damage so done, including loss or inconvenience occasioned by such obstruction, proved by the oath of two or more credible witnesses to have been done; such damages, with costs of suit in that behalf incurred, to be recovered in any Court in this Province having competent jurisdiction; and such wilful and malicious act shall be a misdemeanor, and the party or parties committing the same shall and may be indicted and tried for a misdemeanor in any Court of competent jurisdiction, and on conviction thereof may be committed to the Common Gaol for any time not exceeding twelve months,

Wilful injury to be a misdemeanor.

etion of the Court before whom such offen- convicted.

shall obstruct or impede the navigation of ner portion of the said intended navigation, of any timber or boats, or vessels, contrary nlations laid down for the government of by the said Directors, and shall not im- ce given to the owner or person in charge boat or vessel so obstructing the naviga- ne, every such owner or person in charge boat or vessels so obstructing or impeding oresaid, shall forfeit and pay a sum not ex- currency, for every hour during which the l continue; and it shall be lawful for the rvants to cause such obstruction to be re- every such boat, vessel or raft as shall be ause obstruction, to be detained and un- ent or remove such obstruction, and to reco- oing from the owner or person in charge of ze and detain such vessel, boat or raft, and any part of the cargo or furniture of such until the charges occasioned by such un- r both shall be paid or satisfied: And if aft shall be sunk in any part of the said in- and the owners shall neglect or refuse to ne same forthwith, the said Company may weighed and removed, and retain the same essarily incurred in so doing shall be paid such charges may be recovered in any urisdiction from the owners or persons in l, boat or raft.

Penalty on persons obstructing the navigation of the canal.

Company may remove obstructions and recover the costs.

And detain the vessel, &c., causing the obstruction.

y accident requiring immediate repair on ny part of the said navigation, the said t or workmen, may enter upon the adjoin- g an orchard or garden) without any pre- owners or occupiers thereof; and dig for, away and use, all such gravel, stone, earth, ials as may be necessary for the repair of id, doing as little damage as may be to ng compensation therefor, and in case of regarding the amount to be so paid, the ed by arbitration as hereinbefore provided; that if any action or suit shall be brought npany for any matter or thing done in pur- uch action or suit shall be brought within ths after the act committed, and not after-

Powers of Company in case of accident to the works.

Proviso.

mpany may open, cut and erect such ponds ying up and turning of vessels, boats or rafts,

Company may make ponds and docks, &c.

rafts, using the said Canal or navigation, an
the navigation as they shall deem expedi
also build and erect such dry docks, slips
nected therewith, for the hauling out and
And let the same. as they shall think proper, and may let the
as they shall deem expedient, or carry on
same by their servants or agents, as the sa
Directors thereof shall decide from time to

Canal to be commenced within six years and completed within twelve years; **13.** The said Company, in order to enti
benefit and privileges conferred upon the
commence the said work within six years,
by required to complete the said navigation
from the passing hereof, that is to say, to op
ter communication from some point on the
waters of Lake Erie, at or near the Two-C
ship of Romney, in the county of Kent afo
Or charter forfeited. navigable for vessels drawing twelve feet
this Act and every thing herein contained s
to all intents and purposes.

Draft of water to be marked on vessels using the canal. **14.** Every vessel, of whatsoever kind, u
shall have her draft of water legibly marke
than six inches long, from one foot to her
the stem and stern posts; and any wilful
figures so as to mislead the officers of the
sel's true draft, shall be punishable as a
part of the owner and master of such vess
rectors may detain any such vessel upon
figures of draft shall be found, until the sa
the expense of her owner.

Company may measure and guage such vessels; **15.** And for preventing disputes touch
vessels navigating the said Canal, every
every boat, barge, raft, or vessel navigating
other part of the said navigation, shall per
And mark them. gauged and measured, and, for refusing t
shall forfeit and pay the sum of five pou
lawful for the person appointed for that pur
rectors to guage and measure all vessels us
tion, and his decision shall be final, in resp
paid thereon, and he may mark the tonnag
every vessel habitually using the said Ca
sure, so marked by him, shall always be
the tonnage in all questions respecting the
paid to the said Company by virtue hereof.

Company may take certain lands of the Crown, beds of rivers, &c. **16.** It shall be lawful for the said Com
mission of the Governor in Council, to take
the use of the said Canal so much of the wil
not heretofore granted or sold, lying on the
Canal, as may be necessary for the said

much of the land covered with the waters of any river, stream, or lake, or of their respective beds as may be found necessary for the making and completing or more conveniently using the same, and thereon to erect or build locks, dams, tow-paths, branches, feeders, basins, tram-ways, bridges, wharves, and other works which the said Company shall at any time consider necessary; Provided always that it shall not be lawful for the said Company to cause any obstruction in or to impede the free navigation of any river or stream to or across which their Canal shall be carried, and the said Company may hold all such lands, hereditaments and tenements, as may at any time be granted to them by the Crown for the said works.

Proviso: navigation not to be impeded.

17. The capital stock of the said Company shall be four millions of dollars, or the equivalent in sterling (exclusive of any real estate which the said Company may have or hold by virtue of this Act), to be held in forty thousand shares of one hundred dollars each; and the shares of the said capital stock shall, after the first instalment thereon shall have been paid, be transferable by the respective persons subscribing or holding the same to any other person or persons; and such transfer shall be registered in a book or books to be kept by the said Company for that purpose; and the said capital stock shall be raised by the persons above named, or some of them, together with such other persons and corporations as may become shareholders in such stock, and the said money so raised shall be applied in the first place towards the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the said canal, and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said canal and other purposes of this Act, and to no other purpose whatever; Provided always that until the said preliminary expenses connected with the said Canal shall be paid out of the capital stock thereof, it shall be lawful for any municipality interested in the said Canal to pay, out of the general funds of such municipality, such preliminary expenses as shall be required, which sum shall be refunded to such municipality from the stock of the said Company, or be allowed to them in payment of stock.

Capital to be $4,000,000, exclusive of real estate.

Shares, and how transferable, &c.

Proviso: as to preliminary expenses.

18. All persons, whether subjects of Her Majesty or otherwise, may subscribe for any number of shares in the said Company, the amount whereof shall be payable to the said Company in the manner hereinafter mentioned, that is to say, five per cent. on each share so subscribed shall be payable to the said Company immediately after the stockholders shall have elected the Directors as hereinafter mentioned, and the remainder by instalments of not more than ten per centum at such period, as the President and Directors shall from time to time direct for the payment thereof, provided that no instalment shall be called in at a shorter period than ninety days from the next preceding instalment,

Subscriptions for stock.

Five per cent. to be paid down.

Instalments on calls.

instalment, nor until public notice shall have been given as hereinafter mentioned with respect to notice of meetings to be holden under this Act, for at least thirty days previous to the day on which such instalment is made payable; Provided always that if any stockholder or stockholders shall neglect or refuse to pay the said Company the instalment due upon any share or shares held by him, her or them, at the time required by law, such share or shares, with the amount previously paid thereon, shall be forfeited, and the said Directors shall sell such share or shares by public auction, after having given thirty days' notice of such intended sale to each stockholder or respective stockholders, and the proceeds thereof, with the amount previously paid thereon, shall be accounted for and applied in the same manner as the other funds of the Company; Provided always that such purchaser or purchasers shall pay all instalments which shall be due upon such shares, over and above the purchase money thereof, immediately after the sale and before they shall be entitled to a certificate of the transfer of such share or shares so to be purchased as aforesaid.

Proviso: forfeiture for non-payment of calls.

Proviso.

Directors may appoint agents.

Their powers.

19. The Directors of the said Company may appoint such and so many agents in this Province, or in any other part of Her Majesty's dominions, or elsewhere, as to them shall seem expedient, and may, by any by-law to be made for such purpose, empower and authorize any such agent or agents to do or perform any act or thing, or to exercise any powers which the Directors themselves, or any of them, may lawfully do, perform or exercise, except the power of making by-laws; and all things done by such agent or agents by virtue of the power in him vested by any such by-law, shall be as valid and effectual to all intents and purposes as if it were done by such Directors themselves; any thing in any part of this Act to the contrary notwithstanding.

Certain Municipalities may take stock in the canal, or lend money to or guarantee loans to the Company.

20. Any of the Municipalities within the Counties of Essex, Kent and Lambton, interested in the said works, may subscribe for any number of shares in the Capital Stock of, or lend to or guarantee the payment of any sum of money borrowed by the Company from any Corporation or person, or endorse or guarantee the payment of any debenture to be issued by the Company for the money by them borrowed, and shall have power to assess and levy, from time to time, upon the whole rateable property of the municipality, a sufficient sum for them to discharge the debt or any engagements so contracted, and for the like purpose to issue debentures, payable either in currency or sterling, and in such places, either within or without this Province, and at such time and for such sum respectively not less than five pounds currency, and bearing or not bearing interest, as such municipality may think fit; and any such debenture issued, endorsed or guaranteed, shall be valid and binding upon each municipality, if signed or endorsed, and countersigned by such officer or person, and in such manner

manner and form as shall be directed by any by-law of any such municipality, and the corporation seal thereto shall not be necessary, nor the observance of any other form with regard to the debentures, than such as shall be directed in such by-laws as aforesaid.

Consent of rate-payers to be first obtained.

21. No municipality shall subscribe for stock or incur any debt or liability under this Act, unless and until a by-law to that effect shall have been duly made and adopted with the consent first had of a majority of the qualified rate-payers of the municipality, to be ascertained in such manner as shall be determined by the said by-law, after public advertisement thereof, containing a copy of such proposed by-law, inserted at least four times in each newspaper printed within the limits of the municipality, or if none be printed therein, then in some one or more newspapers printed in the nearest city or town thereto and circulated therein, and also put up in at least four of the most public places in each municipality.

Head of Corporation holding £1,000 stock, to be a Director.

22. The Mayor, Warden or Reeve, being the Head of such municipality, subscribing for and holding stock in the Company to the amount of four thousand dollars or upwards, shall be and continue to be *ex officio* one of the Directors of the Company, in addition to the number of Directors authorized by this Act, and shall have the same rights, powers and duties as any of the Directors of the Company.

Power to increase subscriptions in certain cases.

23. If the whole number of shares shall not be subscribed within two years after the passing of this Act, it shall and may be lawful for any former subscriber to increase his, her or their former subscription.

First Directors named.

24. The Honorable John Prince, Honorable M. Cameron, Honorable Mr. Dickson, John McLeod, J. B. Williams, A. J. Salter, Thomas A. Stayner, Alexander Cameron, C. Coatsworth, Jonas Robinson, George Middleton, Joseph Marks, William Gaines, Theodore Malott, Leonard Wiggle, and Ralph Forster, shall be and are hereby constituted and appointed the first Directors of the said Company, and shall hold their office until others shall, under the provisions of this Act, be elected by the Shareholders, and shall, until that time, constitute the Board of Directors of the said Company, with power to open stock books and make a call on the shares subscribed in such books, and call a meeting of the Shareholders for the election of Directors in the manner hereinafter provided; and the chairman of the said meeting shall be the President or Vice-President of the Directors appointed by this Act.

Their powers.

First general meeting of the Shareholders.

25. When and so soon as one hundred thousand dollars of the Capital Stock shall have been subscribed as aforesaid, and ten per cent. thereon shall have been paid into some

one

one or more of the chartered Banks of this Province, or into some Branch or Agency of such Bank or Banks, it shall be lawful for the said Directors, or a majority of them, to call a meeting of the holders of such shares at such place and time as they shall think proper, giving at least fifteen day's public notice of the same in one or more newspapers published in the towns of Sarnia, Chatham and Windsor; at which said General Meeting and at the Annual General Meeting, in the following sections mentioned, the Shareholders present, either in person or by proxy, shall elect twelve Directors in the manner, and qualified as hereinafter provided, which said twelve Directors shall, with the *ex officio* Directors (if any such there be) constitute a Board of Directors; and the Directors so elected shall hold office until the first Monday in May, in the year following their appointment; and it shall also be the duty of the said Directors, or a majority of them, to cause books of subscription to be opened in the towns of Sarnia, Chatham and Windsor, and at such other place or places as may be named from time to time by the said Directors or a majority of them, until the meeting of Shareholders shall take place, for receiving the subscriptions of persons willing to become subscribers to the said undertaking; and for that purpose, it shall be their duty, and they are hereby required to give public notice in one or more newspapers published in the Counties of Essex, Kent and Lambton, of the times and places at which such books will be opened and ready for receiving subscriptions as aforesaid, the persons authorized by them to receive such subscriptions, and the chartered Bank or Banks into which the ten per cent. thereon is to be paid, and the time hereinafter limited for such payment; and every person whose name shall be written in such book as a subscriber to the said undertaking, and who shall have paid, within twenty days after the closing of the said books, into the Bank or Banks aforesaid, or any Branches or Agencies thereof, ten per centum on the amount of stock, so subscribed for, to the credit of the said Company, shall thereby become a member of the said Company, and shall have the same rights and privileges as such as are hereby conferred on the several persons who are herein mentioned by name as members of the said Company; and it is hereby enacted that such ten per cent. shall not be withdrawn from the said Bank or Banks, or otherwise applied, except for the purposes of the said Company.

Notice.

Election of Directors.

Term of office.

Their duties.

Subscriptions.

Ten per cent. to be paid into Bank.

Rights of subscribers.

Annual general meeting of the Company, and election of Directors.

26. On the first Monday in the month of September, and on the first Monday in September in each year thereafter, or on such other day as shall be appointed by any By-law, and at such place as shall be appointed, an Annual General Meeting of the Shareholders of the said Company shall be holden, at which and by whom there shall be elected by the private Shareholders, twelve Directors for the ensuing year, in the manner and qualified as hereinafter provided; and public notice of such Annual General Meeting and

Notice.

Election

Election shall be published one month before the day of election in the *Canada Gazette*, and also, once, fifteen days before the election, in one newspaper in Sarnia, Chatham and Windsor; and all elections for Directors shall be by ballot, and the persons who shall have the greatest number of votes at any election shall be Directors, and if it shall happen that two or more shall have an equal number of votes, the said private shareholders shall determine the election by another or other votes, until a choice is made; and the said twelve Directors shall, together with the *ex officio* Directors (if any such there be) form the Board of Directors; and it is further provided that if at any time it shall appear to any ten or more of such proprietors holding together two hundred shares at least, that for more effectually putting this Act in execution, a Special General Meeting of proprietors is necessary to be held, it shall be lawful for such ten or more of them to cause fifteen days' notice at least to be given thereof in two public newspapers as aforesaid, or in such manner as the Company shall, by any By-law direct or appoint, specifying in the said notice the time and place and the reason and intention of such Special Meeting respectively; and the proprietors are hereby authorized to meet, pursuant to such notices, and to proceed to the execution of the powers by this Act given them, with respect to the matters so specified only; and all such acts of the proprietors, or the majority of them, at such Special Meetings assembled, such majority not having either as principal or proxies less than two hundred shares, shall be as valid to all intents and purposes as if the same were done at General Meetings; Provided always that it shall and may be lawful for the said Directors, in case of the death or absence, resignation or removal of any person elected a Director to manage the affairs of the said Company, in manner aforesaid, to appoint another or others in the room or stead of those of the Directors who may die or be absent, resign or be removed as aforesaid, any thing in this Act to the contrary notwithstanding; but if such appointment be not made, such death, absence or resignation shall not invalidate the acts of the remaining Directors.

Election to be by ballot.

Special general meetings.

Their powers.

Proviso: filling vacancies among the Directors.

27. The Directors shall, at the first (or at some other) Meeting after the day appointed for the Annual General Meeting in each year, elect one of their members by ballot, to be the President of the said Company, who shall always (when present) be the Chairman of and preside at all meetings of the Directors, and shall hold his office until he shall cease to be a Director, or until another President shall be elected in his stead; and the said Directors may in like manner elect a Vice-President, who shall act as Chairman in the absence of the President.

Election of President and Vice-President.

28. Any meeting of the said Directors, at which not less than seven Directors shall be present, shall be a *quorum*, and

Quorum of Directors.

shall be competent to use and exercise all and every of the powers thereby vested in the said Directors; Provided always that no one Director, though he be a proprietor of many shares, shall have more than one vote at any meeting of the Directors, except the President and Vice-President when acting as Chairman, or any temporary Chairman, who, in case of the absence of the President and Vice-President, may be chosen by the Directors present, either of whom, when presiding at a meeting of the Directors, shall, in case of a division of equal numbers, have the casting vote, although he may have given one vote before; And provided also, that such Directors shall, from time to time, be subject to the examination and control of the said annual and special meetings of the said proprietors as aforesaid, and shall pay due obedience to all By-laws of the said Company, and to such orders and directions in and about the premises as they shall, from time to time, receive from the said proprietors at such annual or special meetings; such orders and directions not being contrary to the special directions and provisions in this Act contained; And provided also, that the act of any majority of a *quorum* of the Directors present at any meeting regularly held, shall be deemed the act of the Directors.

Votes of Directors.

Proviso: Directors to obey general meetings.

Proviso.

29. Provided always that no person holding any office, place or employment, or being concerned or interested in any contract or contracts under the said Company, shall be capable of being chosen a Director or of holding the office of Director or Provisional Director under this Act.

Contractors not to be Directors.

30. The persons qualified to be elected Directors of the said Company, under this Act, shall be any Shareholder holding stock to the amount of one thousand dollars, and who shall have paid up all calls on such stock.

Qualification of Directors.

31. Each Shareholder shall be entitled to one vote for every share he, she, or they may hold in the said Company; but no Shareholder shall be entitled to vote at the meetings of Shareholders who shall not have paid up all the calls due upon his, her or their stock, or the stock upon which such Shareholder claims to vote, at least twenty-four hours before the hour appointed for any such meeting; Provided always that if any township municipality shall be Stockholders in the said Company, they, or whosoever shall represent their interests in the said Company, shall not vote or be entitled to vote in or for the election of Directors of the Company to be elected by the Shareholders, or to vote at any general meeting of the Shareholders.

Votes of Shareholders at general meetings.

Proviso: certain Municipalities not to vote.

32. Any Shareholder in the said Company, whether a British Subject or alien, or a resident in Canada or elsewhere, has and shall have equal rights to hold stock in the said Company, to vote on the same, and to be eligible to office in the said Company.

Aliens to have same rights as British subjects.

33.

33. All acts done by any person or persons acting as Director or Directors, shall, notwithstanding there may have been some defect in the appointment of any such person or persons, or that they or any of them were disqualified, be as valid as if every such person or persons had been duly appointed and was qualified to be a Director. Directors' acts valid, notwithstanding want of qualification, &c.

34. No Shareholder in the said Company shall be in any manner whatsoever liable or charged for any debt or demand due by the said Company, beyond the payment or the extent of his, her or their share in the capital of the said Company not paid up. Non-liability of Shareholders.

35. The shares in the capital stock of the said Company shall be deemed personal estate, and shall be transferable as such. Shares to be personalty.

36. The owner or owners of one or more shares in the said undertaking, shall pay his, her or their shares and proportion of the moneys to be called for as aforesaid, to such person or persons, and at such time and place, as the said Directors shall from time to time appoint and direct; of which thirty days' notice at least shall be given in two newspapers as aforesaid; or in such other manner as the said Directors, or their successors, shall, by any By-law, direct or appoint. Shareholders to pay calls.

37. The business and affairs of the said Company shall be conducted and managed, and its powers exercised by twelve Directors, to be annually appointed by the Shareholders, who shall elect from among themselves a President and Vice-President. The said Directors may be subjects of Her Majesty or otherwise. The annual meeting for the election of Directors shall be holden on the first Monday in September in every year, and shall be held in the town of Chatham; and the said election shall be made by such Stockholders as shall be present at such meeting, in person or by proxy; Provided always that such proxy produce from his constituent or constituents a notice in writing, in words of the effect following, that is to say: Directors to manage the affairs of the Company. Annual election. Proviso: as to proxies.

I, , of , one of the proprietors of the River St. Clair and Two-Creeks Ship Canal Company, do hereby nominate, constitute and appoint , of , to be my proxy, in my name, and in my absence to vote or give my assent or dissent to any business, matter or thing relating to the said undertaking that shall be mentioned or proposed at any meeting of the proprietors of the said undertaking, or any of them, in such manner as he the said shall think fit, according to his opinion and judgment for the benefit of the said undertaking, or any thing appertaining thereto. The form of proxies.

 In

In witness whereof, I have hereunto
the day of , in
eight hundred and .

Votes by proxies valid.

And such vote or votes by proxy shall
principals had voted in person; and wha
of proper officers, matters or things shall
or considered in any public meeting of
held by virtue of this Act, shall be deter
of votes and proxies then present and s
and all decisions and acts of any such
said Company and be deemed the decis
Company.

Duties of Directors. Plans, &c.

38. The chief duties of the Director
Shareholders as aforesaid, shall be, in the
for and pay the preliminary expenses o
cure and provide means for the payn
detailed surveys, specifications, plans
work to be done, in order to complete th

Tenders for the work.

as contemplated by this Act; also to
receive tenders for the whole or any part
and generally to do all things authorized

Certificates of stock.

to be done by virtue of this Act; also
persons or bodies who may have con
payment of the preliminary expenses, st
Company for the amount of their respect

Company may borrow to the amount of two-thirds of their capital.

39. The said Company may from t
borrow, either in this Province or elsewh
of money, not exceeding at any time tw
authorized to be raised by the Company,
pedient, and may make the bonds, debe

Debentures.

ties they shall grant for the sums so borr
in currency or in sterling, and at such pla
without this Province, as they may deem
mortgage or pledge the lands, tolls, reven
of the said Company, for the due paymen
the interest thereon; and the said Compa
tures in sums of not less than twenty-five
not less than twelve months, provided the
such debentures, does not at any time ex
capital.

Directors to make By-laws.

40. The Directors of the said Comp
power and authority to make all such By
tions and ordinances as shall appear to the
to the management of the said Compan
amend the same as often as they may
such By-laws, rules, regulations and ordi
and have effect in the same way as if the
tained and enacted in this Act until the

repealed by the majority in value of the shareholders voting at an annual or other special or general meeting, to whom power is hereby given so to alter or repeal the same. They may be altered by general meetings.

41. A copy of all such By-laws as aforesaid, or of any one or more of them, sealed with the seal of the Company, shall be evidence in all Courts of Law or Equity of such By-laws or By-law, and that the same were or was duly made, and are or is in force; and in any action or proceeding at Law or in Equity between the Company and any Shareholder, it shall not be necessary to give any evidence to prove the seal of the Company; and all documents purporting to be sealed with the seal of the Company shall be taken to have been duly sealed with the seal of the Company. Certified copies of By-laws to be evidence. As to documents under seal.

42. At every annual meeting of the Shareholders, they shall have power to appoint not exceeding three Auditors, to audit all accounts of money laid out and disbursed on account of the said undertaking, by the Treasurer, Receiver or Receivers and other officer or officers to be by the said Directors appointed, or by any other person or persons whatsoever, and employed by or concerned for or under them in and about the said undertaking, and to that end the said Auditors shall have power to adjourn themselves from time to time and from place to place, as shall be thought convenient by them; And the said Directors chosen under the authority of this Act, shall have power, from time to time, to make such call or calls of money from the stockholders of the said canal and other works, to defray the expenses of or to carry on the same as they, from time to time, may find wanting and necessary for these purposes, except as before provided; and such Directors shall have full power and authority to direct and manage all and every the affairs of the said Company, as well in contracting for and purchasing lands, rights and materials for the use of the said Company, as in employing, ordering and directing the work and workmen, and in placing and removing under-officers, clerks, servants and agents, and in making all contracts and bargains touching the said undertaking, and to affix, or authorize any person to affix, the common seal of the Company to any Act, Deed, By-law, Notice or other document whatsoever; and any such Act, Deed, By-law, Notice or other document, bearing the common seal of the Company, and signed by the President or Vice-President, shall be deemed the act of the Directors of the said Company, nor shall the authority of the signer of any document purporting to be so signed and sealed, to sign and to fix the said seal thereto, be *liable* to be called in question by any party except the Company. Auditors to be appointed yearly. Directors to make calls on stock. Further powers of Directors. Sealing documents, &c.

43. The said Company shall have power to become parties to promissory notes and bills of exchange for sums not less than twenty-five pounds, and any such promissory note made or endorsed, and such bill of exchange drawn, accepted or endorsed by Company may be parties to bills of exchange, &c.

by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a *quorum*, shall be binding on the Company; and every such promissory note or bill of exchange made, drawn, accepted or endorsed by the President or Vice-President of the said Company, and countersigned by the Secretary and Treasurer as such, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the Company, until the contrary be shown; and in no case shall it be necessary to have the seal of the Company affixed to any such bill of exchange or promissory note, nor shall the President, Vice-President, or Secretary and Treasurer of the Company, so making, drawing, accepting or endorsing any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever; Provided always that nothing in this section shall be construed to authorize the said Company to issue any note "payable to bearer," or any promissory note intended to be circulated as money or as the notes of a bank.

Proviso: not to issue bank notes.

Deed of wife with husband to bar dower.

44. The single execution of any conveyance under *this* Act by any married woman with her husband, shall operate as a Bar of Dower in the lands thereby conveyed, and a conveyance of her title therein if the same be owned by her without any other ceremony or formality whatever.

Directors may vote by proxy.

45. The Directors of the said Company may vote by proxy, such proxies being themselves Directors and appointed in the following form, or to the like effect:

Form of proxy.

I hereby appoint of , Esquire, one of the Directors of the River Saint Clair and Two-Creeks' Ship Canal Company, to be my proxy as Director of the said Company, and as such proxy, to vote for me at all meetings of the Directors of the said Company, and generally to do all that I could myself do as such Director if personally present at such meeting.

A. B. signature.

Proviso.

But no Director shall act as proxy for more than three other Directors.

Directors may be removed and others elected at general meetings;

46. The said Company shall always have power and authority at any general meeting assembled as aforesaid, to remove any person or persons chosen upon such Board of Directors as aforesaid, and to elect others to be Directors in the *room* of those who shall die, resign or be removed, and to remove any other officer or officers under them, to revoke, alter, amend or change any of the By-laws or Orders prescribed with regard to their proceedings amongst themselves (the method of calling general meetings, and their time and place of assembling, and manner of voting and appointing Directors only excepted,) and shall

shall have power to make such new Rules, By-laws and Orders for the good government of the said Company, and their servants, agents or workmen, for the good and orderly making and using the said Canal, and all other works connected therewith or belonging thereto, as hereby authorized, and for the well-governing of all persons whatever travelling upon or using the said Canal and other works, or transporting any goods, wares, merchandize or other commodities thereon, which said By-laws and Orders shall be put into writing under the common seal of the said Company, and shall be kept in the office of the Company, and a printed or written copy of so much of them as relate to or affect any party other than the members or servants of the Company, shall be affixed openly in all and every of the places where tolls are to be gathered, and in like manner as often as any change or alteration shall be made to the same; and the same By-laws and Orders so made and published as aforesaid shall be binding upon and observed by all parties, and shall be sufficient in any Court of Law or Equity to justify all persons who shall act under the same; and any copy of the said By-laws, or any of them, certified as correct by the President, or some person authorized by the Directors to give such certificate, and bearing the common seal of the said Company, shall be deemed authentic, and shall be received as evidence of such By-laws in any Court without further proof.

And to make By-laws.

Certain By-laws to be posted up.

Certified copies to be evidence.

47. All sales of the shares in the said undertaking shall be in the form following, varying the names and descriptions of the contracting parties, as the case may require:

Transfers of shares.

I, A. B., in consideration of the sum of , paid by C. D., of , do hereby bargain, sell and transfer to the said C. D. share (*or* shares) of the stock of the River St. Clair and Two-Creeks' Ship Canal Company; to hold to him the said C. D., his executors, administrators and assigns, subject to the same rules and orders, and on the same conditions that I held the same immediately before the execution hereof; and I, the said C. D., do hereby agree to accept the said share (*or* shares) subject to the same rules, orders and conditions.

Form.

Witness our hands and seals, this day of in the year one thousand eight hundred and .

Provided always that no such transfer of any share shall be valid *until* all calls or instalments then due thereon shall have been paid up.

Proviso.

48. It shall and may be lawful to and for the said Directors, and they are hereby authorized from time to time, to nominate and appoint a Treasurer or Treasurers, and a Clerk or Clerks to the said Company, taking such security for the due execution of

Directors to appoint a Treasurer, &c., and Clerk, &c.

of their respective offices as the Directors shall think proper; and such Clerk shall, in a proper book or books, enter and keep a true and perfect account of the names and places of abode of the several Stockholders of the said Company, and of the several persons who shall, from time to time, become owners or proprietors of, or entitled to any share or shares therein, and of the other acts, proceedings and transactions of the said Company, and of the Directors for the time being, by virtue of and under the authority of this Act; And the said Directors shall have power by By-law to fix and regulate the tolls to be taken upon the said Canal, but no such tolls shall be levied or taken until approved of by the Governor in Council, nor until after two weekly publications in the *Canada Gazette* of the By-law establishing such tolls, and of the Order in Council approving thereof.

To fix tolls, with approval of Governor in Council.

Publication of tolls.

Annual accounts to be rendered by Directors, &c.

49. The said Company, or the Directors of the said Company shall, and they are hereby required, to cause a true, exact and particular account to be kept and annually made up and balanced on the thirty-first day of December in each year, of the money collected and received by the said Company, or by the Directors or Treasurer of the said Company, or otherwise, for the use of the said Company by virtue of this Act, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on their works, and of all other receipts and expenditures of the said Company or the said Directors; and at the general meetings of the proprietors of the said undertaking to be from time to time holden as aforesaid, a dividend shall be made out of the clear profits of the said undertaking, unless such meetings shall declare otherwise, and such dividend shall be at and after the rate of so much per share upon the several shares held by the proprietors in the Joint Stock of the said Company, as such meeting or meetings shall think fit to appoint or determine: Provided always, that no dividend shall be made whereby the Capital of the said Company shall be in any degree reduced or impaired, nor shall any dividend be paid in respect of any share after a day appointed for payment of any call for money in respect thereof, until such call shall have been paid.

Dividends may be made out of the clear profits.

Proviso.

Fractions of miles, tons, &c., how to be reckoned.

50. In all cases where there shall be a fraction in the distance which vessels, rafts, goods, wares, merchandize or other commodities or passengers shall be conveyed or transported on the said navigation, such fraction shall, in ascertaining the said rates, be deemed and considered as a whole mile; and in all cases where there shall be the fraction of a ton, in the weight of any such goods, wares, merchandize, and other commodities, a proportion of the said rates shall be demanded and taken by the said Company of proprietors to the number of quarters of a ton contained therein; and in all cases where there shall be a fraction of a quarter of a ton, such fraction shall be deemed and considered as a whole quarter of a ton.

Company may delegate certain powers to their agents or workmen, &c.

51. Every matter or thing which the said Company are authorized or empowered to do or suffer, shall be interpreted to mean that the said Company shall be empowered to do and suffer all such acts, matters and things by their duly appointed agents, servants and workmen, whether the same be specially mentioned or not; and in all cases wherein the said Canal is mentioned in this Act, the same shall apply to all branches, feeders, reservoirs and rivers or parts of rivers which shall be made part or parcel of the navigation thereof, or of the supplying of the same with water.

Company to transport soldiers, police, &c., on fair terms.

52. The said Company shall at all times, when thereunto required by the Postmaster General of this Province, the Commander of the Forces, or any person having the superintendence or command of any Police Force, carry Her Majesty's Mails, Her Majesty's Naval or Military Forces or Militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables and others, travelling on Her Majesty's service, on the said Canal, on such terms and conditions, and under such regulations as the Governor or Person administering the Government shall, in Council, appoint and declare.

Company to take security from their Treasurer, &c.

53. The said Company shall and are hereby required and directed to take sufficient security by one or more bond or bonds, in a sufficient penalty or penalties from their Treasurer, Receiver and Collector for the time being, of the moneys to be raised by virtue of this Act, for the faithful execution, by such Treasurer, Receiver and Collector, of his and their office and offices respectively.

Limitation of actions for things done under this Act.

54. If any action or suit shall be brought or commenced against any person or persons for any thing done or to be done in pursuance of this Act, or in the execution of the powers and authorities or of the orders and directions hereinbefore given or granted, every such action or suit shall be brought or commenced within six calendar months next after the fact committed, or, in case there shall be a continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards; and the Defendant or Defendants, in such action or suit, shall and may plead the general issue, and give this Act and the special matter in evidence at any trial to be held thereupon, and that the same was done in pursuance and by the authority of this Act; and if it shall appear to have been so done, or if any action or suit shall be brought after the time so limited for bringing the same, or if the Plaintiff or Plaintiffs shall be non-suited, or discontinue his, her or their action or suit, after the Defendant or Defendants shall have appeared, or if judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have full costs, and shall have such remedy for the same as any Defendant or Defendants hath or have for costs of suit in other cases by law.

General issue may be pleaded, &c.

Costs.

55.

Contravention of this Act to be misdemeanor, if no other penalty is provided.

55. Any contravention of this Act by the said Company or any other party, for which no punishment or penalty is herein provided, shall be a misdemeanor, and shall be punished accordingly, but such punishment shall not exempt the said Company (if they be the offending party) from the forfeiture of this Act, and the privileges hereby conferred on them, if, by the provisions thereof, or by law, the same be forfeited by such contravention.

Act not to affect Her Majesty, &c., except as mentioned.

56. Nothing herein contained shall affect or be construed to affect in any manner or way whatsoever, the rights of Her Majesty, Her Heirs and Successors, or of any person or persons, or of any bodies politic, corporate or collegiate, such only excepted as are herein mentioned.

Her Majesty may assume possession of the works on certain terms.

57. At any time after the making and completing the said Canal, it shall be lawful for Her Majesty, Her Heirs and Successors, to assume the possession and property of the same and of all and every the works and dependencies thereto belonging, upon paying to the said Company, their heirs, executors, administrators and assigns, the full amount of their respective shares, or of the sums furnished and advanced by each subscriber towards making and completing the said Canal, together with such other sums as will amount to six per centum upon the moneys so advanced and paid, as a full indemnification to such Company, and the said Canal shall, from the time of such assumption in manner aforesaid, appertain and belong to Her Majesty, Her Heirs and Successors, who shall thenceforth be substituted in the place and stead of the said Company, their heirs and assigns, for all the purposes of this Act in so far as regards the said Canal.

Public Act.

58. This Act shall be deemed and taken to be a Public Act.

CAP. CXXVII.

An Act to amend and consolidate the Acts forming the Charter of the Quebec Bank, and for other purposes.

[*Assented to 16th August*, 1858.]

Preamble.

WHEREAS the Corporation called and known as "The Quebec Bank," was created and constituted under the Royal Charter or Letters Patent of His late Majesty King William the Fourth, bearing date at Westminster, the thirty-first day of May, in the seventh year of His Reign, which said Royal Charter or Letters Patent were confirmed and ratified, and the term thereof extended by the Ordinance of the Legislature of the late Province of Lower Canada, passed in the second

second year of Her Majesty's Reign, and intituled, *An Ordinance to prolong the term of the Royal Charter incorporating the Quebec Bank, and to make further provision for the government and management of the said Bank*, which said Ordinance and the said Royal Charter were amended and further extended by the Act of the Legislature of the Province of Canada, passed in the fourth and fifth years of Her Majesty's Reign, intituled, *An Act to extend the Charter of the Quebec Bank*; And whereas the said last mentioned Act was amended, and the capital stock of the said corporation increased by the Act of the said Legislature, passed in the tenth and eleventh years of Her Majesty's Reign, intituled, *An Act to increase the capital stock of the Quebec Bank, and to amend in part the Act to extend the Charter of the said Bank*, which said Act was further amended, and the privileges of the said corporation have been further extended by the Act passed in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to reduce the number of the Directors of the Quebec Bank*, and by that of the said Legislature passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to authorize an addition to the capital stock of the Quebec Bank, to facilitate the transfer of shares in certain cases, and for other purposes relative to the said Bank*: and the said Acts were further amended, and an increase of the capital stock of the said corporation was authorized by the Act of the said Legislature, passed in the eighteenth year of Her Majesty's Reign, chaptered forty: And whereas the said corporation hath by its petition prayed for authority to increase the capital stock and to make the shares transferable in Great Britain, and that the provisions of the said several Ordinances and Acts may be consolidated with certain amendments and extensions of the powers and privileges thereby conferred; and it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

2 V. c. 24.

4, 5 V. c. 94.

10, 11 V. c. 114.

14, 15 Vic. c. 156.

16 V. c. 143.

18 V. c. 40.

1. So much of the said Royal Charter and of the Ordinances and Acts hereinbefore cited, or any of them, as may be inconsistent with or repugnant to the provisions of this Act, or as makes any provision in any matter provided for by this Act, other than such as is hereby made, shall be and is hereby repealed.

Inconsistent provisions of the said Acts, repealed.

2. The said corporation of the Quebec Bank shall, during the time this Act shall remain in force, continue to have all, each and every of the rights, powers, privileges and authority in and by the said Royal Charter and the several Ordinances and Acts hereinbefore cited, or any of them, conferred upon or vested in it, subject always to the provisions of this Act; and shall continue to have perpetual succession and a common seal, with power to break, renew, change and alter the same at pleasure, and shall be capable of suing and being sued, pleading

Corporation continued.

Powers.

pleading and being impleaded in al
Equity and other places, in all manner
Real estate limited. matters whatsoever; and for the conve
its business, but for no other purpose, sh
acquire and hold real or immoveable es
exceeding the yearly value of five thou
and may sell, alienate, and dispose of th
acquire and hold others in their stead,
whole the yearly value aforesaid.

Capital limited to £750,000 in shares of £25.

3. It shall be lawful for the said Qu
"the said Bank" meaning throughout t
aforesaid) to add to their present capita
five hundred thousand pounds currency
of the said Bank shall then be seven hun
pounds currency, divided into thirty thou
As to new stock now unsubscribed for.
five pounds currency, or one hundred
many of the said shares as may be unsu
Act shall come into force, may be subsc
or without this Province, in such prop
at such times and places, and under su
such rate of premium to be paid by the
above the amount of the shares, as th
Instalments.
Bank shall from time to time establish
subscribed for shall be paid in by suc
such times and places as the said Direc
time appoint, and executors, administr
ing instalments upon shares of deceased
and are hereby respectively indemnifi
Proviso: ten per cent. to be paid down.
required to pay the same: Provided
shall be held to be lawfully subscribed f
(if any) which shall have been fixed by
least ten per centum on the amount of su
Proviso: Rights of new Shareholders.
time of subscribing; Provided also, that
ing for or taking any share in the capita
after this Act shall come into force, shal
and be subject to the same rules and reg
subscribers and shareholders in the said
Proviso: no vote till paid up.
provided, moreover, that the said perso
share or shares of such capital stock, sh
votes at any general meeting of the said
ing to the number of such shares on w
twenty-five pounds currency shall have
respectively, nor shall any such person be
of the Directors of the said Bank until h
the full amount of forty such shares, t
Proviso: time for subscribing limited.
not less than one thousand pounds cur
also, that no part of the capital stock
time when this Act shall come into force
for after the end of five years from that
the stock shall be called in before the th
ber, one thousand eight hundred a

provided further, that it shall not be obligatory upon the said Bank to raise the full amount of the capital stock hereby allowed, but the number of shares to be thereafter subscribed for, may at any time be limited by a By-law of the said Bank, in such manner as the shareholders shall deem most advantageous for the interests of the said Bank. Proviso: Bank not bound to raise the full capital.

4. If any person or party subscribing for shares of the capital stock of the said Bank, shall also be willing to pay up at the time of subscribing the full amount of the shares subscribed for, together with such premium thereon as aforesaid, it shall and may be lawful for the Directors of the said Bank, and at any time within the period hereinbefore limited for subscribing for such stock, to admit and receive such subscriptions and full payment or payments of any number of instalments, together with such premium, and in every such case, the premium so received on any stock subscribed for, shall be carried to the account of the ordinary profits of the said Bank. Subscribers may pay in full, &c. As to premium.

5. Shares in the capital stock of the said Bank may be made transferable, and the dividends accruing thereon may be made payable in the United Kingdom, in like manner as such shares or dividends thereon are now respectively transferable and payable at the Bank in the City of Quebec, and to that end the Directors may, from time to time, make such rules and regulations, and prescribe such forms, and appoint such agents or agent, as they may deem necessary. Shares may be transferred and dividends paid in the United Kingdom.

6. Provided always, that the Directors of the said Bank shall not be compelled to open books of subscription for the whole number of shares unsubscribed for when this Act shall come into force, at one and the same time, but it shall and may be lawful for the said Directors, and they are hereby authorized, from time to time, to limit the number of shares for which the books of subscription shall be opened as aforesaid, at any one time, as they in their discretion may deem most advisable. Books need not be opened for the whole stock at once.

7. If any shareholder or shareholders shall refuse or neglect to pay any instalment upon his, her or their shares of the said capital stock at the time and times required by the Directors as aforesaid, such shareholder or shareholders shall incur a forfeiture, to the use of the said Quebec Bank, of a sum of money equal to ten pounds per centum on the amount of such shares, and moreover, it shall be lawful for the Directors of the said Bank (without any previous formality other than thirty *days'* public notice of their intention) to sell at public auction the said shares, or so many of the said shares as shall, after deducting the reasonable expenses of the same, yield a sum of money sufficient to pay the unpaid instalments due on the remainder of the said shares, and the amount of forfeitures incurred upon the whole; and the President, Vice-President or Cashier of the said Bank shall execute the transfer to the purchaser Forfeiture for non-payment of calls. Sale of shares on which calls are unpaid.

purchaser of the shares of stock so sold, and such transfer being accepted, shall be as valid and effectual in law as if the same had been executed by the original holder or holders of the shares of stock thereby transferred; Provided always, that nothing in this section contained shall be held to debar the Directors or shareholders at a general meeting from remitting either in whole or in part, and conditionally or unconditionally, any forfeiture incurred by the non-payment of any *instalment* as aforesaid.

Proviso: forfeiture may be released.

Chief place of business.

Branches.

8. The chief seat or place of business of the said Bank shall be in the City of Quebec, but it shall and may be lawful for the Directors of the said Bank to open and establish in other Cities, Towns and places in this Province, Branches or Agencies, or offices of discount and deposit of the said Bank, under such rules and regulations for the good and faithful management of the same, as to the said Directors shall from time to time seem meet, not being repugnant to any law of this Province, to this Act, or to the By-laws of the said Bank.

Seven Directors to be elected yearly;

By a majority of votes.

President and Vice-President.

Vacancies how filled; provision for cases of absence, &c.

9. For the management of the affairs of the said Bank, there shall be seven Directors, who shall be annually elected by the proprietors of the capital stock of the said Bank, at a general meeting of them, to be annually held on the first Monday of June in each year, the first whereof shall be held on the first Monday of June next after the passing of this Act, at which annual meeting the said shareholders shall vote according to the rule hereinafter established, as to the manner of voting at general meetings; and the Directors so chosen by a majority, in conformity to such rule, shall be capable of serving as such Directors for the next twelve months, unless removed for mal-administration before that period by the stockholders at a general meeting to be held by them, or unless suspended as hereinafter provided; and at their first meeting after such election, they shall choose out of their number a President and Vice-President, who shall hold their offices respectively, during the same period for which the said Directors shall have been elected as aforesaid; and it shall be lawful for the said Directors, from time to time, in case of death, resignation, absence from the Province for three months consecutively, or removal of the person so chosen to be President and Vice-President respectively, or either of them, to choose in their or his stead, from among them the said Directors, another person or persons to be President and Vice-President respectively; and in case of the death, resignation, absence from the Province for three months at a time, or the removal of any Director by the *Shareholders* as aforesaid, his place, in case of such removal, shall be filled by the said stockholders, at any one of their general meetings, and in the other cases last mentioned, by the remaining Directors or a majority of them, and the person so appointed in the place and stead of such Director, shall serve till the next general meeting for the election of the Directors and

and in the event of any temporary absence of the President of the said Bank, whether occasioned by sickness or otherwise, the remaining Directors of the said Bank may, by a vote duly recorded in the register of their proceedings, devolve upon the Vice-President of the said Bank, during the continuance of such temporary absence, all the duties of the said President, and in the event of the unavoidable absence of both the President and Vice-President, at any board of the said Directors, *held* for the transaction of business, the said Directors, when assembled, shall appoint one of themselves to supply the place of such President or Vice-President, and the Director so appointed shall vote as a Director at the Board, and if there be an equal division on any question, shall have a casting vote; Provided always, that the present Directors shall remain in office until they shall be replaced by their successors, duly elected at the annual meeting of the shareholders to be held next after the passing of this Act; Provided also, that it shall not be necessary that any of the Directors in office when this Act shall come into force, shall be re-elected, but all of them shall be eligible for re-election.

Proviso: present Directors continued.

Proviso: as to their re-election.

10. No person other than a stockholder actually resident in the City of Quebec, or within nine miles of the said City, and holding at least forty shares of the capital stock of the said Bank wholly paid up, and being a natural-born or naturalized subject of Her Majesty, and who shall have resided at least seven years in this Province, and in any of the above cases shall have resided three years consecutively in the City of Quebec, shall be capable of being chosen or elected a Director in the said Bank, or shall serve as such.

Qualification of Directors.

11. If at any time it shall happen that an election of Directors shall not be made or take effect on the day when, by this Act, it ought to be made and take effect, the said corporation shall not be deemed or taken to be thereby dissolved, but it shall be lawful at any subsequent time to make such election, at a general meeting of the shareholders to be called for that purpose; and the Directors in office, when such failure of election shall take place, shall remain in office until such election shall be made.

Failure of election not to dissolve the Corporation.

Directors to continue.

12. The Directors for the time being shall appoint cashiers, managers, agents, clerks, and other officers and servants as shall be necessary for conducting the business of the Bank, and allow them reasonable compensation for their services; Provided always, that no person so appointed shall be permitted *to enter* upon the duties of his office until he shall have given bond or other sufficient security, to the satisfaction of the Directors, with condition for good and faithful behavior, that is to say, the chief cashier in a sum not less than five thousand pounds currency, and every other cashier, agent, clerk or other officer and servant, in such sum as the Directors shall deem commensurate with the trust to be in him reposed.

Directors to appoint Bank officers and servants.

Proviso: they shall exact security.

13.

Service of process, &c., on the Bank.

13. In all and every suit or suits at l hereafter may be instituted by or on the p sons against the said Bank, service of pro or Vice-president of the same for the t the offices or agencies of the said Bank, purposes, be sufficient to compel the sa to appear and to plead to such suit or usage or custom to the contrary in any

Suits to be conducted by the Directors.

and all and every suit or suits at law v be instituted by or on behalf of the s person or persons, body or bodies politi instituted and prosecuted by the Preside said Bank, for the time being, for and i Bank.

Directors only may inspect the Bank Books.

14. The books, correspondence a Bank shall at all times be subject to the tors, but no Shareholder not being a D be allowed to inspect the account of a the Bank.

Quorum of Directors.

15. At all the meetings of the Di four of them shall constitute a board or tion of business, and at every such mee

President.

his absence the Vice-President, or in t Directors present, chosen *pro tempore*, President, Vice-President, or President

Casting vote.

ing, shall vote as a Director, and if the on any question, shall also have a casti

Directors to make By-laws, &c.

16. It shall be lawful for the Direc from time to time to make, establish, a such By-laws, rules and regulations (t trary to this Act, or to any laws in forc may appear to them necessary or expe ment of the affairs of the said Bank, a

Approval by Stockholders required.

to time alter or repeal the same or any laws, rules and regulations so made, alt Directors for the time being, shall be s holders for their approval at any Gene

Proviso: notice.

hereinafter prescribed, or at any Annu always, that at least six weeks' public previously given of the intention of t such By-laws, rules and regulations or thereof, at such meeting for confirmatio new By-law, rule or regulation shall h confirmed, in which notice however it to embody the proposed new By-law, ru

Proviso: present By-laws continued.

provided always, that the present By-law of the Bank, in so far as they are not re to law, shall continue in force until alte

17. A general meeting of the Shareholders of the Bank shall be held at the Bank, in the City of Quebec, on the first Monday in the month of June in every year, for the purpose of electing Directors, and for all other the general business of the Bank and purposes of the Bank; and at every such annual meeting the Directors shall submit a full and clear statement of the affairs of the Bank. Annual general meeting of Shareholders.

18. The Shareholders may, by a By-law, appropriate a sum of money from the general funds of the Bank, to the remuneration of the services of the President and Directors, as such; and the President and Directors may annually apportion the same among themselves, in such manner or according to such rule, as they, in each year, shall see fit. No Director shall, during his service as such, act as a private banker or as a director, manager, or officer of any other bank or banking company, either public or private. Remuneration of President and Directors. No Director to be a Banker, &c.

19. Any number of Stockholders, not less than twenty-five, who together shall be proprietors of five hundred shares of the capital stock of the said Bank, shall have power at any time, by themselves or their proxies, to call a general meeting of the Stockholders, for purposes relating to the said Bank, giving at least six weeks' notice thereof in at least one of the newspapers published in the City of Quebec, and specifying in such notice the time and place of such meeting, with the object or objects thereof; and the Directors of the said Bank for the time being, or any four of them, shall have the like power at any time (upon their observing the like formalities,) to call a general meeting as aforesaid; And if the object of such meeting to be called by the Stockholders or Directors as aforesaid, shall be to consider of the proposed removal of the President or Vice-President, or a Director or Directors, for mal-administration, then and in such case the person or persons whom it shall be proposed to remove, shall, from the day from which such notice shall be first published, be suspended from the execution of the duties of his or their offices; And if it be the President or Vice-President whose removal shall be proposed as aforesaid, his place shall be filled up by the remaining Directors, who shall appoint a Director to serve as such President or Vice-President during the time such suspension shall continue. Calling and holding special general meetings. Provision if the object be the removal of any Director, &c. And if a President or Vice President.

20. The number of votes to which each stockholder or stockholders, co-partnership, body politic or corporate, holding stock in the said Bank, shall be entitled, on every occasion when in conformity to the provisions of this Act, the votes of the members of the said Bank are to be given, shall be in the proportions following, that is to say: for one share and not more than two, one vote; for every two shares above two and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten and not exceeding thirty, one vote, Scale of votes at general meetings.

vote, making ten votes for thirty shar
above thirty and not exceeding sixty,
votes for sixty shares; for every eight
not exceeding one hundred, one vote,
one hundred shares; but no person or
body politic or corporate, being a me
said Bank, shall be entitled to a grea

Voting by proxy.

votes; And all stockholders resident
elsewhere, may vote by proxy, if he,
provided that such proxy be a stockho
authority from his constituent or consti
and voting for him, her or them, accor
Act annexed; Provided always, that

Proviso: Shares must have been held three months.

Capital Stock of the said Bank, shall
either in person or by proxy, which
during three calendar months at least,
tion or general meeting when the vote
to be given; and when two or mor
owners of any part of the said stock, it
person only be empowered by letter o
owners, or a majority of them, to repr

Proviso: aliens not to vote.

to vote accordingly; And provided a
not a natural-born or naturalized subje
either in person or by proxy, vote at a
assist in calling any meeting of the
in this Act, or in any law or usage
standing.

Servants of the Bank not to vote or hold proxies.

21. No cashier, manager, agent, c
servant of the Bank shall vote either i
any meeting for the election of Dire
for the purpose.

Form of transfers of stock.

22. Any share of the Capital Stock
be held to be personal estate and b
ingly, and also shall be assignable and

To be registered.

according to the form of Schedule B, a
no transfer shall be valid and effectua
registered in a book to be kept at the Ba
be therein accepted by the party to wh
made, or his lawful attorney, nor sh

Debts to the Bank must be first discharged.

transfer be valid or effectual, or be
the person or persons making the san
discharged all his, her or their debts
Bank, exceeding in amount the value o
if any, belonging to such person or p
shall any fractional part of a share or
complete share or shares be assignable

By what declaration, &c., the transmis-

23. The transmission of the intere
Capital Stock of the said Bank, in con
bankruptcy or insolvency of a shareho

17. A general meeting of the Shareholders of the Bank *shall* be held at the Bank, in the City of Quebec, on the first Monday in the month of June in every year, for the purpose of electing Directors, and for all other the general business of the Bank and purposes of the Bank; and at every such annual meeting the Directors shall submit a full and clear statement of the affairs of the Bank. Annual general meeting of Shareholders.

18. The Shareholders may, by a By-law, appropriate a sum of money from the general funds of the Bank, to the remuneration of the services of the President and Directors, as *such*; and the President and Directors may annually apportion the same among themselves, in such manner or according to such rule, as they, in each year, shall see fit. No Director shall, during his service as such, act as a private banker or as a director, manager, or officer of any other bank or banking company, either public or private. Remuneration of President and Directors. No Director to be a Banker, &c.

19. Any number of Stockholders, not less than twenty-five, who together shall be proprietors of five hundred shares of the capital stock of the said Bank, shall have power at any time, by themselves or their proxies, to call a general meeting of the Stockholders, for purposes relating to the said Bank, giving at least six weeks' notice thereof in at least one of the newspapers published in the City of Quebec, and specifying in such notice the time and place of such meeting, with the object or objects thereof; and the Directors of the said Bank for the time being, or any four of them, shall have the like power at any time (upon their observing the like formalities,) to call a general meeting as aforesaid; And if the object of such meeting to be called by the Stockholders or Directors as aforesaid, shall be to consider of the proposed removal of the President or Vice-President, or a Director or Directors, for mal-administration, then and in such case the person or persons whom it shall be proposed to remove, shall, from the day from which such notice shall be first published, be suspended from the execution of the duties of his or their offices; And if it be the President or Vice-President whose removal shall be proposed as aforesaid, his place shall be filled up by the remaining Directors, who shall appoint a Director to serve as such President or Vice-President during the time such suspension shall continue. Calling and holding special general meetings. Provision if the object be the removal of any Director, &c. And if a President or Vice President.

20. The number of votes to which each stockholder or stockholders, co-partnership, body politic or corporate, holding stock in the said Bank, shall be entitled, on every occasion when in conformity to the provisions of this Act, the votes of the members of the said Bank are to be given, shall be in the proportions following, that is to say: for one share and not more than two, one vote; for every two shares above two and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten and not exceeding thirty, one Scale of votes at general meetings.

vote, making ten votes for thirty shares; for every six shares above thirty and not exceeding sixty, one vote, making *fifteen* votes for sixty shares; for every eight shares above sixty and not exceeding one hundred, one vote, making twenty votes for one hundred shares; but no person or persons, co-partnership, body politic or corporate, being a member or members of the said Bank, shall be entitled to a greater number than twenty votes; And all stockholders resident within this Province or elsewhere, may vote by proxy, if he, she or they shall see *fit*, provided that such proxy be a stockholder, and do produce an authority from his constituent or constituents for so representing and voting for him, her or them, according to the form A to this Act annexed; Provided always, that no share or shares of the Capital Stock of the said Bank, shall confer a right of *voting* either in person or by proxy, which shall not have been held during three calendar months at least, prior to the day of election or general meeting when the votes of the stockholders are to be given; and when two or more persons are the joint owners of any part of the said stock, it shall be lawful that one person only be empowered by letter of attorney *from the other* owners, or a majority of them, to represent the said stock and to vote accordingly; And provided also, that no stockholder, not a natural-born or naturalized subject of Her Majesty, shall either in person or by proxy, vote at any election or vote at or assist in calling any meeting of the stockholders, any thing in this Act, or in any law or usage to the contrary notwithstanding.

Voting by proxy.

Proviso: Shares must have been held three months.

Proviso: aliens not to vote.

Servants of the Bank not to vote or hold proxies.

21. No cashier, manager, agent, clerk or other officer or servant of the Bank shall vote either in person or by proxy at any meeting for the election of Directors, nor hold a proxy for the purpose.

Form of transfers of stock.

To be registered.

22. Any share of the Capital Stock of the said Bank shall be held to be personal estate and be transmissible accordingly, and also shall be assignable and transferable at the Bank according to the form of Schedule B, annexed to this Act, but no transfer shall be valid and effectual unless it be made and registered in a book to be kept at the Bank for that purpose, and be therein accepted by the party to whom the transfer *shall* be made, or his lawful attorney, nor shall any assignment or transfer be valid or effectual, or be made or allowed, until the person or persons making the same shall have previously discharged all his, her or their debts and liabilities to the Bank, exceeding in amount the value of the remaining shares, if any, belonging to such person or persons; and in *no case* shall any fractional part of a share or shares, or other than a complete share or shares be assignable or transferable.

Debts to the Bank must be first discharged.

By what declaration, &c., the transmis-

23. The transmission of the interest on any share of the Capital Stock of the said Bank, in consequence of the death, bankruptcy or insolvency of a shareholder, or of the marriage of

of a female shareholder or by any other lawful means than an ordinary transfer under the preceding section, shall be authenticated by a declaration in writing made and signed by the party claiming the transmission, or his lawful attorney, or in such other manner as the Directors may require; every such declaration shall distinctly state the manner in which, and the party to whom the transmission has been made, and shall be by such party making and signing the same, acknowledged before a Judge of a Court of Record, or before the mayor, provost, or chief magistrate of a City, Town, Borough, or other place, or before a notary public, or before a cashier, manager, or local agent of the Bank, at the place where the same shall be made and signed, and when so signed and acknowledged shall be left with the cashier, manager, or other officer, or agent of the Bank in the City of Quebec, together with such original or officially authenticated documents or extracts as shall be necessary to substantiate the essential averments in the declaration; and thereupon the party claiming and proving the transmission shall be entitled to have his name duly recorded in the register of shareholders, in lieu of the name of the original shareholder from whom the share was transmitted, and until such transmission shall have been authenticated as aforesaid, no party or person claiming by virtue of any such transmission shall be entitled to receive any share of the profits of the Bank, nor to vote in respect of any such share, as the holder thereof, and any person wilfully making a false declaration, shall, on conviction, be deemed guilty of a misdemeanor, and be punished accordingly: Provided always, that every such declaration and instrument, as by this and the following sections of this Act is required to perfect the transmission of a share or shares of the said Bank, and as shall be made in any other country than in this or some other of the British Colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice-Consul, or other accredited representative of the British Government in the country where the declaration shall be made: And provided also, that nothing herein contained shall be held to debar the Bank, or the directors, cashier, manager, or other officer or agent of the Bank, from requiring further corroborative evidence of any essential fact or facts alleged in such declaration, or touching the transmission claimed by, or the identity of the party claiming the same.

sion of shares otherwise than by regular transfer shall be authenticated.

Proviso: as to declaration made in foreign parts.

Proviso: further evidence may be required.

24. If the transmission of any share of the capital stock of the said Bank be by virtue of the marriage of a female shareholder, the declaration of transmission shall be made and signed by such female shareholder and her husband; and such declaration shall contain a copy of the register of such marriage, and other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share; and it shall be competent to them to include therein a declaration to the effect that the share transmitted is the sole

As to transmission of shares by marriage, will or intestacy.

 property

property and under the sole control of the wife, that she may receive and grant receipts for the dividends and profits accruing in respect thereof and dispose of and transfer the share itself, without requiring the consent or authority of her husband, and such declaration shall be binding on the Bank and the parties making the same until the said parties shall see fit to revoke it by a written notice to that effect to the Bank, and further the omission of a statement in any such declaration that the wife making the same is duly authorized by her husband to make the same, shall not cause the declaration to be deemed either illegal or informal, any law or usage to the contrary notwithstanding; and if the transmission have taken place by virtue of any testamentary instrument or by intestacy, the probate of the will or the letters of administration or of curatorship or an official extract therefrom, shall, together with such declaration, be produced and left with the Cashier, Manager or other officer or agent of the Bank, who shall thereupon enter the name of the party entitled to such transmission in the register of shareholders.

Bank not bound to see to trusts.

25. The Bank shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any shares of the Stock of the said Bank may be subject; and the receipt of the party in whose name any such share shall stand in the books of the Bank, or if it stand in the names of more parties than one, the receipt of one of the parties shall, from time to time, be a sufficient discharge to the Bank for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Bank have had notice of such trust; and the Bank shall not be bound to see to the application of the money paid upon such receipt, any law or usage to the contrary notwithstanding.

What business only the Bank shall be engaged in.

26. The Bank shall not either directly or indirectly acquire or hold any real estate other than such as by the second section it is authorized to acquire and hold, nor any ship or other vessel, nor any share of their own capital stock, or of the capital stock of any other incorporated or unincorporated Company; nor shall the Bank, either directly or indirectly, lend money or make advances upon the security, mortgage or hypothecation of any real estate, or of any share of their own capital stock, or of any goods, wares or merchandize, nor shall the Bank, either directly or indirectly, raise loans of money or deal in buying, selling or bartering of goods, wares or merchandize, or engage or be engaged in any trade whatever, except as dealers in gold and silver bullion, bills of exchange, discounting of promissory notes and negotiable securities for money, and in such trade generally as legitimately appertains to the business of Banking: Provided always, that the said Corporation may take and hold mortgages and hypothecs on real estate in this Province, and on ships or other vessels and

Proviso: as to security for debts pre-

security

security on personal property, by way of additional security for debts contracted to the Bank in the course of their dealings; and also for such purpose may purchase and take any outstanding mortgages, judgments or other charges upon the real or personal property of any debtor of the Bank. viously contracted.

27. The aggregate amount of discounts and advances made by the said Corporation upon commercial paper or securities bearing the name of any Director or officer, or the copartnership name or firm of any Director of the said Bank, shall not at any one time exceed one-twentieth of the total amount of discounts or advances made by the said corporation at the same time. Discounts to Directors, &c., not to exceed one twentieth of the whole.

28. The Bank may allow and pay interest, not exceeding the legal rate in this Province, upon moneys deposited in the Bank; and in discounting promissory notes, bills or other negotiable securities or paper, may receive or retain the discount thereon at the time of discounting or negotiating the same; and when notes, bills or other negotiable securities or paper are *bonâ fide* payable at a place within this Province, different from that at which they are discounted, the Bank may also, in addition to the discount, receive or retain an amount not exceeding one half per centum on the amount of every such note, bill or other negotiable security or paper, to defray the expenses of agency and exchange attending the collection of every such note, bill or other negotiable security or paper; and the Bank may charge any note or bill held by and payable at the Bank against the deposit account of the maker of such note or the acceptor of such bill, at the maturity thereof; any law, usage or statute to the contrary notwithstanding. Bank may retain discount, &c. May charge a premium in certain cases. May charge notes, &c., against certain deposit accounts.

29. The bonds, obligations and bills obligatory and of credit of the said Bank, under its common seal, and signed by the President or Vice-President, and countersigned by a Cashier (or Assistant Cashier) thereof, which shall be made payable to any person or persons, shall be assignable by endorsement thereon, under the hand or hands of such person or persons, and of his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in the several assignees successively, and to enable such assignee or assignees to bring and maintain an action or actions thereon, in his, her or their own name or names, and signification of any assignment by endorsement shall not be necessary, any law or usage to the contrary notwithstanding: and bills or notes of the said Bank signed by the President, Vice-President, Cashier or other officer appointed by the Directors of the said Bank to sign the same, promising the payment of money to any person or persons, his, her or their order, or to the bearer, though not under the corporate seal of the said Bank, shall be binding and obligatory upon it, in the like manner and with the Certain bonds, &c., of the Bank, assignable by indorsement. Bills, &c., valid though not under seal.

Assignable by delivery in certain cases.

the like force and effect as they would be upon any private person, if issued by him in his private or natural capacity, and shall be assignable in like manner as if they were so issued by a private person in his natural capacity: Provided always,

Proviso: Directors may authorize any officer to sign notes.

that nothing in this Act shall be held to debar the Directors of the said Bank from authorizing or deputing from time to time, any Cashier, Assistant Cashier, or Officer of the Bank, or any Director other than the President or Vice-President, or any Cashier, Manager or local Director of any branch or office of discount and deposit of the said Bank, to sign the bills or notes of the Corporation intended for general circulation, and payable to order or bearer on demand.

Recital.

30. And whereas it may be deemed expedient that the name or names of the person or persons intrusted and authorized by the Bank to sign bank notes and bills on behalf of the Bank, should be impressed by machinery, in such form as may from time to time be adopted by the Bank, instead of being subscribed in the handwriting of such person or persons respectively; And whereas doubts may arise respecting the validity of such notes: Be it therefore declared and enacted,

Signature of Bank notes may be impressed by machinery.

that all bank notes and bills of the said Bank, whereon the name or names of any person or persons intrusted or authorized to sign such notes or bills on behalf of the Bank, shall or may become impressed by machinery, provided for that purpose by or with the authority of the Bank, shall be held and taken to be good and valid to all intents and purposes as if such notes and bills had been subscribed in the proper handwriting of the person or persons intrusted and authorized by the Bank to sign the same respectively, and shall be deemed and taken to be bank notes or bills within the meaning of all laws and statutes whatever; and shall and may be described as *bank* notes or bills in all indictments and other criminal proceedings whatsoever, any law, statute or usage to the contrary notwithstanding.

Bank notes to be payable at place of date.

31. The notes or bills of the said Bank made payable to order or to bearer, and intended for general circulation, whether the same shall issue from the chief seat or place of business of the said Bank in the City of Quebec, or from any of its branches, shall be payable on demand in specie at the place where they bear date.

Suspension of payment for sixty days to forfeit charter.

32. A suspension by the said Bank, either at its chief place of business in the City of Quebec, or at any of its branches or offices of discount and deposit at any other place in this Province, of payment on demand in specie of the notes or bills of the said Bank, payable there on demand, shall, if the time of suspension extend to sixty days consecutively, or at intervals within twelve consecutive months, operate as and be a forfeiture of its charter and all and every the privileges granted to it by this or any other Act.

33.

33. The total amount of the bank notes and bills of the Bank of all values in circulation at any one time, shall never exceed the aggregate amount of the paid up Capital Stock of the Bank, and the gold and silver coin and bullion and debentures or other securities reckoned at par, issued or guaranteed by the Government, under the authority of the Legislature of this Province, on hand; and of the bank notes and bills in circulation at any one time, not more than one-fifth of the said aggregate amount shall be in bank notes or bills under the nominal value of one pound currency each; but no bank note or bill under the nominal value of five shillings shall be issued or put in circulation.

Total amount of Bank notes limited.

And of those under £1.

None under 5s.

34. The total amount of the debts which the said Bank shall at any one time owe, whether by bond, bill, note, or otherwise, shall not exceed three times the aggregate of its capital stock paid in, and the deposits made in the Bank in specie and Government securities for money; and in case of excess, or in case the total amount of the bills or notes of the said Bank payable to order or bearer on demand, and intended for general circulation, shall at any time exceed the amount hereinbefore limited, the said Bank shall forfeit its charter, and all the privileges granted to it by this or any other Act, and the Directors under whose administration the excess shall happen shall be liable jointly and severally for the same in their private capacity, as well to the shareholders as to the holders of the bonds, bills and notes of the said Bank, and an action or actions in this behalf may be brought against them or any of them, and the heirs, executors, administrators or curators of them or any of them, and be prosecuted to judgment and execution according to law; but such action or actions shall not exempt the said Bank, or its lands, tenements, goods or chattels from being also liable for such excess; Provided always, that if any Director present at the time of contracting any such excess of debt do forthwith, or if any Director absent at the time of contracting any such excess of debt, do, within twenty-four hours after he shall have a knowledge thereof, enter on the minutes or register of the Bank his protest against the same, and do within eight days thereafter publish such protest in at least two newspapers, published in the City of Quebec, such Director may thereby, and not otherwise, exonerate and discharge himself, his heirs, executors and administrators or curators, from the liability aforesaid, any thing herein contained, or any law to the contrary notwithstanding; Provided always, that such publication shall not exonerate any Director from his liability as a Shareholder.

Total liabilities of the Bank limited.

Forfeiture of charter for excess, and liability of Directors.

Proviso: how only the Directors may avoid such liability.

Proviso.

35. In the event of the property and assets of the said Bank becoming insufficient to liquidate the liabilities and engagements or debts thereof, the shareholders of its stock, in their private or natural capacities, shall be liable and responsible for the deficiency, but to no greater extent than double the amount

Limitation of liability of Shareholders in case of insolvency of the Bank.

Public notices how to be given.

40. The several public notices here shall be given by advertisement in tw papers published in the City of Que newspaper called the *Canada Gazette*.

Punishment of embezzlement, &c., by Bank officers.

41. If any Officer, Cashier, Assistant or Servant of the said Bank, shall secre with any bond, obligation, bill obligator or note, or with any security for money, intrusted to him as such Cashier, Assi Clerk, or Servant, whether the same b or belonging to any other person or corporate, or institution or institutions, with the said Bank, the Officer, Cash Manager, Clerk, or Servant so offend convicted in due form of law, shall be

Punishment of felony under this Act.

42. Every person convicted of shall be punished by imprisonment a vincial Penitentiary, for any term no by imprisonment in any other Gaol o for any less term than two years, in th before which he shall be convicted.

Power to search for forged notes or machinery used in forging.

43. It shall and may be lawful to the Peace, on complaint made before h credible person, that there is just cau one or more person or persons is or a concerned in making or counterfeitin change, promissory notes, undertaking Bank, or hath in his possession any instruments, tools, or materials for mak same or any part thereof, by warrant un tice, to cause the dwelling-house, room or other building, yard, garden, or other suspected person or persons, or where sons shall be suspected of carrying on an

How to be dealt with if found.

feiting, to be searched; and if any such promissory notes, undertakings or orde or other tools, instruments, or materials, tody or possession of any person or p having the same by lawful authority, i ful for any person or persons whomsoev to seize, and he or they are hereby aut seize such false or counterfeit bills of exc undertakings or orders, and such plate instruments or materials, and to carry fore a Justice of the Peace of the Coun convenient, of the adjoining County same shall be seized, who shall cause and produced in evidence against an shall or may be prosecuted for any of

always, that the said Bank shall not be bound to invest any portion of its capital in debentures under the provisions of this section, unless it shall have availed itself of the power to increase its capital stock; and such investment shall, in the case of any increase of capital, be made on the whole capital of the said Bank, including the amount of the original capital, and the amount of such increase.

Statement of affairs to be published monthly.

28. Besides the detailed statement of the affairs of the said Bank, hereinbefore required to be laid before the Stockholders thereof at their annual general meeting, the Directors shall make up and publish, on the first Monday in each and every month, statements of the assets and liability of the said Bank, in the form of Schedule C, to this Act annexed, shewing under the heads specified in the said form the average amount of the notes of the Bank in circulation, and other liabilities, at the termination of the month to which the statement shall refer, and the average amount of specie and other assets, that at the same times were available to meet the same; and it shall be the duty of the Directors to submit to the Governor of this Province, if required, a copy of such monthly statements, and if by him required to verify all or any part of the said statements, the Directors shall verify the same by the production of the weekly or monthly balance-sheets from which the said statements shall have been compiled; and furthermore the said Directors shall, from time to time, when required, furnish to the said Governor of this Province such further reasonable information respecting the state and proceedings of the said Bank, and of the several branches and offices of discount and deposit thereof, as such Governor of this Province may reasonably see fit to call for; Provided always, that the weekly or monthly balance-sheets, and the further information that shall be so produced and given, shall be held by the said Governor of this Province as being produced and given in strict confidence that he shall not divulge any part of the contents of the said weekly or monthly balance-sheets, or of the information that shall be so given: And provided also, that the Directors shall not, nor shall any thing herein contained be construed to authorize them or any of them, to make known the private account or accounts of any person or persons whatever having dealings with the said Bank.

Copy to Governor:

How attested.

Governor may require further information.

Proviso: further information to be confidential.

Proviso: private accounts not to be divulged.

Bank not to lend money to any foreign state, &c.

Penalty.

29. It shall not be lawful for the said Bank, at any time whatever, directly or indirectly, to advance or lend to or for the use of, or on account of any foreign Prince, Power or State, any sum or sums of money, or any securities for money; And if such unlawful advance or loan be made, then and from thenceforth the said corporation shall be dissolved, and all the powers, authorities, rights, privileges and advantages, granted to it by this or any other Act, shall cease and determine.

In witness thereof, I (*or* we) have h
hand and seal, (*or* hands and seals,) a
day of , in the year of
eight hundred and .

Signed and sealed in the presence of

FORM B.

For value received from
(*or* we) do hereby assign and transfer
, shares, on each of which
pounds, shillings currenc
the Quebec Bank, subject to the rules
said Bank.

Witness hand , at the said B
day of , one thousand eight h

Witness , I (*or* w
foregoing assignment s
Quebec Bank, assigned to
at the Bank, this day of
eight hundred and .

FORM C

Referred to in the foreg
Return of the average amount of Liab
Quebec Bank, on the

LIABILITIES.

Promissory Notes in circulation not b
Bills of Exchange in circulation not b
Bills and Notes in circulation bearing
Balances due to other Banks.....
Cash deposits, not bearing interest...
Cash deposits, bearing interest.....

Total liabilitie

ASSETS.

Coin and Bullion.....
Landed or other property of the Bank.
Government securities.....
Promissory Notes or Bills of other Ba
Balance due from other Banks.....
Notes and Bills discounted.....
Other debts due to the Bank, not inclu
foregoing heads.....

Total assets...

some Court of Justice proper for the determination thereof, and the same, after being so produced in evidence, shall, by order of the Court, be defaced or destroyed, or otherwise disposed of as such Court shall direct.

Saving of rights of the Crown, &c.

44. Nothing in this Act contained shall in any manner derogate from or affect or be construed to derogate from or affect the rights of Her Majesty, Her Heirs and Successors, or of any person or persons, or of any body or bodies politic or corporate, except in so far as the same may be specially derogated from or affected by the provisions of this Act.

Public Act, Short Title, &c.

45. This Act shall be held and taken to be a Public Act, and shall be known as the "Charter of the Quebec Bank," and the Interpretation Act shall apply thereto.

Duration of this Act, &c.

46. This Act, and so much of the Royal Charter and of the Acts mentioned in the Preamble as is not repealed by this Act, shall be and remain in force until the first day of January, which will be in the year one thousand eight hundred and seventy, and from that time until the end of the then next session of the Parliament of this Province, and no longer.

Commencement of this Act.

47. The foregoing sections of this Act shall have force and effect, upon, from and after the first day of January, in the year of our Lord, one thousand eight hundred and fifty-nine, and not before, and the said sections only shall be understood as intended by the words "this Act," whenever in any of them the time this Act shall be in force is mentioned.

FORM A.

Stock of the Quebec Bank.

Power of Attorney to accept transfers, receive dividends, sell and vote.

Know all men by these presents, that I, (*or* we,) , of , do make, constitute and appoint , of , my (*or* our) true and lawful attorney, for me (*or* us), in my (*or* our) name, and on my (*or* our) behalf, to accept all such transfers as are, or may hereafter, be made unto me (*or* us), of any interest or share in the capital or joint stock of the Quebec Bank, to receive and give receipts for all dividends that are now due, and that shall hereafter become due and payable for the same, for the time being; to sell, assign and transfer all or any part of my (*or* our) said stock, to receive the consideration money, and give a receipt or receipts for the same, and to vote at all elections, and generally to do all lawful acts requisite for effecting the premises; hereby ratifying and confirming all that my (*or* our) said Attorney shall do therein, by virtue hereof.

In

In witness thereof, I (*or* we) have hereunto set my (*or* our) hand and seal, (*or* hands and seals,) at , this day of , in the year of our Lord, one thousand eight hundred and .

Signed and sealed in the presence of .

FORM B.

For value received from , of , I (*or* we) do hereby assign and transfer unto , of , shares, on each of which has been paid pounds, shillings currency, in the capital stock of the Quebec Bank, subject to the rules and regulations *of the* said Bank.

Witness hand , at the said Bank, this day of , one thousand eight hundred and .

Witness , I (*or* we) do hereby accept the foregoing assignment shares in the stock of the Quebec Bank, assigned to , as above mentioned, at the Bank, this day of , one thousand eight hundred and .

FORM C

Referred to in the foregoing Act.

Return of the average amount of Liabilities and Assets of the Quebec Bank, on the 18 .

LIABILITIES.

Promissory Notes in circulation not bearing interest,	$
Bills of Exchange in circulation not bearing interest,	$
Bills and Notes in circulation bearing interest.....	$
Balances due to other Banks.....	$
Cash deposits, not bearing interest.....	$
Cash deposits, bearing interest.....	$
Total liabilities.....	$

ASSETS.

Coin and Bullion.....	$
Landed or other property of the Bank.....	$
Government securities.....	$
Promissory Notes or Bills of other Banks.....	$
Balance due from other Banks.....	$
Notes and Bills discounted.....	$
Other debts due to the Bank, not included under the foregoing heads.....	$
Total assets.....	$

CAP.

CAP. CXXVIII.

An Act further to alter and amend the Charter of the Colonial Bank of Canada.

[*Assented to 16th August*, 1858.]

Preamble.

WHEREAS the Colonial Bank of Canada have by their Petition, prayed for further alterations and amendments to their Charter, and it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Sections of 19, 20 V. c. 123, and 20 V. c. 161, inconsistent with this Act, repealed.

1. The thirteenth section of the Act of Incorporation of the said Bank, passed in the session held in the nineteenth and twentieth years of Her Majesty's Reign, and generally all such parts of the said Act, or of the amendment to the said Act passed in the twentieth year of Her Majesty's Reign, and chaptered one hundred and sixty-one, as may be inconsistent with or repugnant to the provisions of this Act, shall be and are hereby repealed.

Chief place of business of the Bank to be at Toronto or Montreal, as may be determined by a majority of the Stockholders at their next general meeting.

Proviso: that offices may be opened in other cities and towns in this Province.

2. The chief place or seat of business of the said Bank shall be in the City of Toronto, or in the City of Montreal, as may be determined by a majority of the Stockholders, at the next General Meeting for the Election of Directors to be held in the city of Toronto under the provisions of the said Act of Incorporation; and all acts, matters or things specified or required in the original Act, or in the amendment thereto, to be done or transacted at the City of Toronto, shall be done and transacted at whichever of the above places may be selected as aforesaid for the chief seat of business; Provided always, that it shall and may be lawful for the Directors of the said Bank to open and establish in other cities, towns and places in this Province, branches and agencies or offices of discount and deposit of the said Bank, under such rules and regulations for the good and faithful management of the same, as to the said Directors shall from time to time seem meet, and shall not be repugnant to any law of this Province, to this Act, or to the By-laws of the said Bank.

Number of Directors to be seven instead of five.

3. The number of Directors for the management of the said Bank shall be seven instead of five, as provided for by the third section of the said amendment to the said Act.

Public Act.

4. This Act shall be deemed a Public Act.

CAP.

CAP. CXXIX.

An Act to alter and amend the Act incorporating the Zimmerman Bank, and to change its corporate name to the "Bank of Clifton."

[*Assented to 16th August*, 1858.]

Preamble.

WHEREAS the corporation now called and known as "The Zimmerman Bank," constituted under and by virtue of the Act of the Legislature of this Province, passed in the eighteenth year of Her Majesty's Reign, chaptered two hundred and three, hath by its Petition prayed for certain alterations and amendments of the powers and privileges thereby conferred, and that the corporate name of the Bank may be altered as hereinafter mentioned; And whereas it is expedient to grant the prayer of the said Petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Inconsistent portions of Act 18 V. c. 203, repealed.

1. So much of the Act hereinbefore cited as may be inconsistent with or repugnant to the provisions of this Act, or as makes any provision in any matter provided for by this Act, other than such as is hereby made, shall be and is hereby repealed.

Name of Corporation changed to "Bank of Clifton."

2. The corporation hereinbefore mentioned shall hereafter be called and known as *The Bank of Clifton*, which shall be the corporate name thereof, instead of *The Zimmerman Bank*; but such change of name shall not be construed to make the said corporation a new corporation, or in any way to affect any right or liability thereof, or any suit, action or proceeding pending at the time when this Act shall come into force, but the name assigned to the said Corporation shall be substituted, as of course, for its former name, in any subsequent record, document or writing, in such suit, action or proceeding.

Corporation continued, with all its rights, &c., under new name.

3. The said Corporation shall, by the name hereby assigned to it, and during the time this Act shall remain in force, continue to have all, each and every of the rights, powers and authority, in and by the Act hereinbefore cited, or any of them, conferred upon or vested in it, subject always to the provisions of this Act, and shall continue to have perpetual succession and a common seal, with power to break, renew, change and alter the same at pleasure, and shall be capable of suing and being sued, pleading and being impleaded in all Courts of Law and Equity and other places, in all manner of actions, causes and matters whatsoever.

Time for subscription and

4. For and notwithstanding any thing in the fourth section of the said recited Act, the third instalment of fifty thousand pounds

pounds therein mentioned, as payable within four years from the passing of the said recited Act, shall be subscribed and paid up within three years from the passing of this Act, and the remaining sum of one hundred thousand pounds therein stated, as payable within five years from the passing of the said recited Act, shall be subscribed for and paid up within four years from the passing of this Act, making in all the chartered capital of two hundred and fifty thousand pounds currency, in default whereof the privileges granted by this Act, and the said recited Act, shall cease and be forfeited.

payment of certain instalments of stock extended.

5. The notes or bills of the said Bank, made payable to order or to bearer, and intended for circulation, whether the same shall issue from the chief seat or place of business of the said Bank, in the Town of Clifton, or from any of its branches, shall be payable on demand in specie, at the place where they bear date.

Notes and bills to be redeemable at place where they bear date.

6. The total amount of bank notes and bills of the Bank of all values in circulation at any one time shall never exceed the aggregate amount of the paid up capital stock of the Bank, and the gold and silver coin and bullion and debentures or other securities reckoned at par, issued or guaranteed by the Government under the authority of the Legislature of this Province, on hand; and the bank notes and bills in circulation shall be of whatsoever value the Directors may think fit to issue the same; but no bank note or bill of the Bank under the nominal value of five shillings shall be issued or put in circulation.

Notes and bills in circulation never to exceed aggregate of stock and of specie and securities.

No note under 5s.

7. This Act, and so much of the said Act mentioned in the preamble as is not repealed by this Act, shall be and remain in force until the first day of June, which will be in the year of our Lord, one thousand eight hundred and seventy, and from that time until the end of the then next Session of the Parliament of this Province, and no longer.

This Act and what remains of 18 V. c. 203, to continue in force until 1st June, 1870, &c.

CAP. CXXX.

An Act to amend the Charter of the International Bank of Canada.

[*Assented to 16th August*, 1858.]

Preamble.

WHEREAS the International Bank of Canada have by their petition prayed for certain amendments to their Charter, the better to enable them to go into operation, and it is expedient to grant the prayer of the said Petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain sections of 20 V. c. 162, repealed.

1. The fourth, sixth, seventh, tenth, sixteenth, seventeenth and twenty-eighth sections of the Act to incorporate the International Bank of Canada, passed in the Session held in the twentieth

of whatever value the Directors may t
but no bank note or bill of the Bank
None to be under 5s. of five shillings shall be issued or put
that the several provisions of an Act
Act 16 V. c. 162, to apply. year of Her Majesty's Reign, intituled
issue by the Chartered Banks of this
in the manner provided by the general b
are hereby declared to be applicable t

Section 39 of 20 V. c. 162, amended. **7.** The thirty-ninth section of the
tioned Act shall be and is hereby
therefrom the two provisoes to the sai

CAP. CXX

An Act to incorporate the I

[*Assented*

Preamble. WHEREAS the Honorable Willia
Joseph Curran Morrison, Angu
Honorable John Ross, and Willia
Frederick Cumberland, Esquires, all
have by their petition prayed that they a
tives might be incorporated for the pu
Bank in the City of Toronto; And
conducive to the general prosperit
abouts, and greatly facilitate and pron
commercial growth of the said locali
but just that the said persons and o
ciate themselves, should be incorporat
Therefore, Her Majesty, by and with t
of the Legislative Council and Assem
follows:

Incorporation. **1.** The several persons hereinbefore
persons as may become shareholders i
this Act created, and their assigns, shal
created, constituted and declared to
Corporate name and powers. corporate and politic, by the name of
and shall continue such Corporation, a
succession under a corporate seal,
change the same at pleasure, and may
plead or be impleaded in all Courts o
Real estate limited. tions may do; and shall have the pow
real and immoveable estate for the ma
ness, not exceeding the yearly value of
currency, and may sell, alienate or e
acquire other instead, and may, wh
hereinafter provided, make, ordain a
regulations and by-laws as to them

number of votes which the Stockholders of the said Bank shall respectively be entitled to give at the said meetings, shall be one vote for every share; and the five persons who shall have the greatest number of votes at any election shall be the Directors; and if it shall happen at any election that two or more persons have an equal number of votes, in such manner that a greater number of persons than five shall by a plurality of votes appear to be chosen as Directors, then the Directors who shall have a greater number of votes, or a majority of them, shall determine which of the said persons so having an equal number of votes shall be the Director or Directors, so as to complete the whole number of five; and the said Directors, as soon as may be after the said election, shall proceed in like manner to elect by ballot two of their number, to be their President and Vice-President; Provided always, that Stockholders not residing within the Province of Canada shall be ineligible, and if any Director shall depart from and live out of this Province, his office shall be considered as vacant; and if any vacancy or vacancies should at any time happen amongst the said Directors, by death, resignation, disqualification or removal during the current year of office, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by the remaining Directors, or the majority of them, electing in such place or places a Stockholder eligible for such office; Provided always, that no person shall be eligible to be or continue as Director unless he shall hold in his name and for his own use stock in the said Bank to the amount of twenty shares; and no Director of the Bank shall act as a Private Banker; Provided further, that the provision, in case of failure of an election of Directors, contained in the eighth section of the said Act of incorporation, shall apply to this Act as if the same had been incorporated herewith. Provided always, that no President, Director or other Officer of the said Company shall hold any proxy from any Shareholder, or act as proxy at any election of Directors of the said Company.

Scale of votes.

Ties.

Election of President and Vice-President.

Proviso.

Vacancies among Directors how filled.

Proviso.

Proviso.

Proviso.

5. At all meetings of the said Directors, not less than three of them shall constitute a Board or Quorum for the transaction of business, and at the said meetings the President, or in his absence the Vice-President, or in their absence, one of the Directors to be chosen *pro tempore*, shall preside, and the President, Vice-President, or President *pro tempore* so presiding, shall vote as a Director, and if there be an equal division on any question, shall also have a casting vote.

Quorum of Directors.

Who shall preside at their meetings.

6. The total amount of the Bank Notes, and Bills of the Bank of all values in circulation at any one time, shall never exceed the aggregate amount of the Capital Stock paid in, and the gold and silver coin and bullion and Debentures, or other securities reckoned at par issued or guaranteed by the Government, under the authority of the Legislature of this Province, on hand, and the Bank Notes and Bills in circulation shall be

Total amount of Bank notes limited.

of whatever value the Directors may think fit to issue the same, but no bank note or bill of the Bank under the nominal value of five shillings shall be issued or put in circulation; Provided, that the several provisions of an Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to encourage the issue by the Chartered Banks of this Province of notes secured in the manner provided by the general banking law*, shall be and are hereby declared to be applicable to this Act.

None to be under 5s.

Act 16 V. c. 162, to apply.

Section 39 of 20 V. c. 162, amended.

7. The thirty-ninth section of the said firstly above mentioned Act shall be and is hereby amended by expunging therefrom the two provisoes to the said section.

CAP. CXXXI.

An Act to incorporate the Bank of Canada.

[*Assented to* 16*th August*, 1858.]

Preamble.

WHEREAS the Honorable William Cayley, the Honorable Joseph Curran Morrison, Angus Morrison, Esquire, the Honorable John Ross, and William Henry Boulton, and Frederick Cumberland, Esquires, all of the City of Toronto, have by their petition prayed that they and their legal representatives might be incorporated for the purpose of establishing a Bank in the City of Toronto; And whereas it would be conducive to the general prosperity of the country thereabouts, and greatly facilitate and promote the agricultural and commercial growth of the said locality; And whereas it is but just that the said persons and others who see fit to associate themselves, should be incorporated for the said purpose: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Incorporation.

1. The several persons hereinbefore named, and such other persons as may become shareholders in the Company to be by this Act created, and their assigns, shall be, and they are hereby created, constituted and declared to be a corporation, body corporate and politic, by the name of the "Bank of Canada," and shall continue such Corporation, and shall have perpetual succession under a corporate seal, with power to alter and change the same at pleasure, and may sue and be sued, implead or be impleaded in all Courts of Law as other corporations may do; and shall have the power to acquire and hold real and immoveable estate for the management of their business, not exceeding the yearly value of fifteen thousand dollars currency, and may sell, alienate or exchange the same, and acquire other instead, and may, when duly organized as hereinafter provided, make, ordain and establish such rules, regulations and by-laws as to them shall seem meet and necessary

Corporate name and powers.

Real estate limited.

necessary for the due and proper administration of their affairs and the management of the said Bank, (such by-laws, rules and regulations not being inconsistent with this Act or contrary to the laws of this Province): Provided, however, that such by-laws, rules and regulations shall be submitted for approval to the stockholders or shareholders in the said Bank, at their regular annual meetings. By-laws. Proviso.

2. The Capital Stock of the said Bank (the words "the said Bank" meaning throughout this Act the corporation aforesaid,) shall be three millions of dollars divided into shares of fifty dollars, which shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns. Capital $3,000,000, shares of $50 each.

3. The said Honorable William Cayley, the Honorable Joseph Curran Morrison, Angus Morrison, Esquire, the Honorable John Ross, William Henry Boulton, Esquire, and Frederick Cumberland, Esquire, shall be the Provisional Directors of the said Bank for the purpose of opening books of subscription for the Stock of the said Bank, at the City of Toronto, and at such other places as to them shall seem meet, and to receive subscriptions for the said Stock, and to do such other things relative to the said subscription and the management of the affairs of the said Bank, as it may be requisite to do before the first general meeting of the Stockholders for the election of Directors as hereinafter mentioned. First Directors appointed—their duties.

4. As soon as the sum of one million of dollars of the said Capital Stock shall have been subscribed, and two hundred and fifty thousand dollars actually paid in thereupon, it shall and may be lawful for the subscribers, or a majority of them, to call a meeting at some place to be named in Toronto, for the purpose of proceeding to the election of the number of Directors for the said Bank, hereinafter mentioned, and such election shall then and there be made by a majority of shares voted upon, in the manner hereinafter described in respect of the annual election of Directors, and the persons then and there chosen shall be the first Directors, and shall be capable of serving until the first Monday of June, which will be in the year of our Lord, one thousand eight hundred and fifty-nine: Provided always that no such meeting of the said subscribers shall take place until a notice specifying the objects of such meeting is published in one or more newspapers published in Toronto, at least twenty days previous to such time of meeting. Meeting for election of Directors. Directors to serve until June, 1859. Proviso: notice to be given.

5. The shares of the Capital Stock subscribed for shall be paid in and by such instalments, and at such times and places as the said Directors shall appoint; and executors, administrators and curators paying instalments upon the shares of deceased Shareholders, shall be and they are hereby respectively indemnified for paying the same; Provided always that Instalments. Proviso: ten

per cent. payable on subscribing.

that no share or shares shall be held to for unless a sum equal to at least ten pe subscribed for be actually paid at the

Proviso: condition precedent to commencing the business of Banking.

Provided further that it shall not be la to the Capital Stock hereby authorized to the business of Banking until a sum no and fifty thousand dollars shall have be subscribers; Provided further that th

Proviso: within what time the full capital to be paid up.

Capital Stock shall be subscribed and is to say: the sum of two hundred an within eighteen months; the further su fifty thousand dollars within three yea five hundred thousand dollars within sum of five hundred thousand dollars w further sum of five hundred thousar years after the said Bank shall ha business of Banking, under penalty of fo

Subscribers may pay in full, &c.

6. If any person or persons subs Capital Stock of the said Bank shall a at the time of subscribing the full amo scribed for, it shall and may be lawfu Bank, and at any time within the peri for subscribing for such stock, to admi scriptions and full payment or pay instalments.

Forfeiture for non-payment of calls.

7. If any shareholder or shareholder to pay any instalment upon his, her or capital stock at the time or times requ aforesaid, such shareholder or shareh feiture to the use of the said Bank of a ten per centum on the amount of su over, it shall be lawful for the Direc (without any previous formality other

Sales of shares on which calls are not paid.

notice of their intention,) to sell at p shares, or so many of the said shares the reasonable expenses of the sale, y sufficient to pay the unpaid instalment of the said shares, and the amount on the whole; and the president v or the cashier of the said bank, shal the purchaser of the shares of stoc transfer being accepted shall be as law as if the same had been executed

Proviso: forfeiture may be remitted.

holders of the shares of stock thereby always that nothing in this section con debar the directors or shareholders at a remitting either in whole or in part, a conditionally, any forfeiture incurred any instalment as aforesaid.

Chief place of business.

8. The chief place or seat of business of the said Bank shall be in Toronto, but it shall and may be lawful for the Directors of the Bank to open and establish in other places, Towns and Cities in this Province, Branches, or Agencies, or offices of discount and deposit of the said Bank, under such rules and regulations for the good and faithful management of the same as to the said Directors shall from time to time seem meet, not being repugnant to any law of this Province, to this Act, or to the By-laws of the said Bank.

Branches.

Seven Directors to be elected annually by a majority of votes.

9. For the management of the affairs of the said Bank, there shall be seven Directors annually elected by the Shareholders of the capital stock thereof, at a general meeting of them to be held annually on the first Monday in June in each year following the first election, as hereinbefore mentioned; at which meetings the shareholders shall vote according to the scale or rule of votes hereinafter established; and the Directors elected by a majority of votes given in conformity to such rule or scale shall be capable of serving as Directors for the ensuing twelve months; and at their first meeting after such election the Directors shall choose out of their number a President and a Vice-President, who shall hold their offices respectively during the same period; and in case of a vacancy occurring in the said number of seven Directors, the remaining Directors shall fill the same by election from among the shareholders, and such Director so elected shall be capable of serving as a Director until the next annual general meeting of the shareholders; and if the vacancy occurring in the said number of seven Directors shall also cause the vacancy of the office of President or of Vice-President, the Directors, at their first meeting after their number shall have been completed as aforesaid, shall fill the vacant office by choice or election from among themselves, and the Director so chosen or elected to be President or Vice-President shall fill the office to which he shall be so chosen or elected until the next general annual meeting of the shareholders; Provided always, that each of the Directors shall be the holder and proprietor in his own name of not less than fifty shares of capital stock of the said Bank wholly paid up, and shall be a natural-born or naturalized subject of Her Majesty; And provided also that it shall be lawful for the shareholders at any annual meeting to pass a By-law directing that four of the Directors in office at the period of such annual election shall be re-elected for the next ensuing twelve months.

President and Vice-President.

Vacancies, how filled.

Proviso: Directors to be H. M's. subjects.

Proviso: as to re-election of Directors.

Proviso: if any election should fail.

10. If at any time it shall happen that an election of Directors shall not be made or take effect on the day fixed by this Act, the said corporation shall not be deemed or taken to be thereby dissolved, but it shall be lawful at any subsequent time to make such election at a general meeting of the shareholders to be called for that purpose; and the Directors in office when such failure of election shall take place shall remain in office until such election shall be made.

11.

Who may inspect the Bank books.

11. The books, correspondence and funds of the said Bank shall at all times be subject to the inspection of the Directors, but no shareholder not being a Director shall inspect or be allowed to inspect the account or accounts of any person or persons dealing with the said Bank.

Quorum of Directors, and who to preside.

12. At all meetings of the Directors of the said Bank, not less than three of them shall constitute a board or quorum for the transaction of business; and at the said meetings the President, or in his absence the Vice-President, or in their absence one of the Directors present to be chosen *pro tempore* shall preside; and the President, Vice-President or President *pro tempore* so presiding shall vote as a Director only.

Casting vote of President, &c.

Directors to make By-laws for certain purposes.

13. It shall and may be lawful for the Directors of the said Bank from time to time to make and enact By-laws, Rules and Regulations (the same not being repugnant to this Act or to the Laws of this Province,) for the proper management of the affairs of the said Corporation, and from time to time to alter or repeal the same and others to make and enact in their stead; Provided always that no By-law, Rule or Regulation so made by the Directors shall have force or effect until the same shall, after six weeks' public notice, have been confirmed by the shareholders at an annual general meeting, or at a special general meeting called for that purpose.

Proviso: as to notice.

Payment of President and Directors.

14. The shareholders may by a By-law appropriate a sum of money for the remuneration of the services of the President and Directors as such, and the President and Directors may annually apportion the same among themselves as they may think fit: No Director shall act as a Private Banker.

Proviso.

Directors to appoint Bank Officers and Servants.

15. The Directors of the said Bank shall have power to appoint a Cashier, Assistant Cashier and Secretary, and Clerks and Servants under them, and such other officers as shall be necessary for conducting the business of the said Bank, and to allow reasonable compensation for their services respectively, and shall also be capable of exercising such powers and authority for the well governing and ordering of the affairs of the Corporation as shall be prescribed by the By-laws thereof; Provided always that before permitting any Cashier, Assistant Cashier, Officer, Clerk or servant of the Bank, to enter upon the duties of his office, the Directors shall require him to give bond with sureties to the satisfaction of the Directors, that is to say: Every Cashier in a sum not less than twenty thousand dollars, every Assistant Cashier in the sum of twelve thousand dollars, and every other officer, Clerk or servant in such sum of money as the Directors shall consider adequate to the trust reposed in him, with condition for good and faithful behaviour.

Proviso: security to be taken from each.

Amount.

Directors to make dividends.

16. It shall be the duty of the Directors to make half-yearly dividends of so much of the profits of the said Bank as to them shall

shall appear advisable, and such dividends shall be payable at such place or places as the Directors shall appoint, and of which they shall give thirty days' public notice previously; Provided always that such dividends shall not in any manner lessen or impair the capital stock of the said Bank. Proviso.

17. The general meetings of the shareholders of the said Bank to be held annually as aforesaid, in Toronto, for the purpose of electing Directors in the manner hereinbefore provided, shall be general meetings also for all other general purposes touching the affairs and the management of the affairs of the said Bank; and at each of the said annual general meetings the Directors shall exhibit a full and clear statement of the affairs of the Bank. Statement of affairs of Bank to be exhibited at yearly meetings.

18. The number of votes which the shareholders of the said Bank shall respectively be entitled to give at their meetings shall be according to the following scale, that is to say: for one share and not more than two, one vote; for every two shares above two and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten and not exceeding thirty, one vote, making ten votes for every thirty shares; for every six shares above thirty and not exceeding sixty, one vote, making fifteen votes for sixty shares; and for every eight shares above sixty and not exceeding one hundred, one vote, making twenty votes for one hundred shares; and no shareholder shall be entitled to give a greater number of votes than twenty; and it shall be lawful for absent shareholders to give their votes by proxy, such proxy being also a shareholder, and being provided with a written authority from his constituent or constituents, in such form as shall be established by a By-law, and which authority shall be lodged in the Bank: Provided always that a share or shares of the capital stock of the said Bank which shall have been held for a less period than three calendar months immediately prior to any meeting of the shareholders shall not entitle the holder or holders to vote at such meeting either in person or by proxy: Provided also that where two or more persons are joint holders of shares, it shall be lawful that one only of such joint holders be empowered by letter of Attorney from the other joint holder or holders, or a majority of them, to represent the said shares and vote accordingly: And provided also that no shareholder who shall not be a natural-born or naturalized subject of Her Majesty, or who shall be a subject or citizen of any Foreign Prince or State, shall, either in person or by proxy, vote at any meeting whatever of the shareholders of the said Bank, or shall assist in calling any meeting of the shareholders; any thing in this Act to the contrary notwithstanding. Scale of voting at general meetings. Vote by proxy. Proviso. Proviso as to Joint Stockholders. Voters must be British subjects.

19. No Cashier, Assistant Cashier, Bank Clerk or other officer of the Bank, shall vote either in person or by proxy at any meeting for the election of Directors, or hold a proxy for that purpose. Bank Officers not to vote.

20.

Special general meetings, how called, &c.

20. Any number, not less than twenty of the said Bank, who together shall be one hundred shares of the paid up Ca Bank, by themselves or their proxies, said Bank, or any four of them, shall at any time to call a Special General holders of the said Bank, to be held

Six weeks' notice to be given.

meeting in Toronto, upon giving six notice thereof, and specifying in suc objects of such meeting; and if the ob

If the object be the removal of a Director, &c.

General Meeting be to consider of the President or of a Director or Directors mal-administration or other specified an then and in any such case the person be so proposed to remove, shall, from notice shall be first published, be susp

And if of the President or Vice-President.

his or their office or offices, and if it be President whose removal shall be pro office shall be filled up by the rema manner hereinbefore provided in the ca ring in the office of President or Vic choose or elect a Director to serve as s President during the time such suspen undecided upon.

Shares to be personal estate.

21. The shares of the capital stock be held and adjudged to be personal e missible accordingly, and shall be ass at the chief place of business of the sai Branches which the Directors shall a and according to such form as the Dir

Transfers of shares must be registered in the Bank books.

time prescribe; but no assignment or and effectual unless it be made and Books to be kept by the Directors for the person or persons making the discharge all debts actually due or co due by him, her or them to the Bank amount the remaining stock (if any) b or persons; and no fractional part or

Shares sold under execution.

than a whole share shall be assignab when any share or shares of the said been sold under a writ of execution, writ shall have been executed shall, the sale, leave with the Cashier of the of the writ, with the certificate of such certifying to whom the sale has beer

Bank's lien upon shares.

(but not until after all debts due or con by the original holder or holders of the shall have been discharged as aforesaid President, or Cashier of the Corpor transfer of the share or shares so sol such transfer, being duly executed, sh

purposes as valid and effectual in law as if it had been executed by the original holder or holders of the said share or shares; any law or usage to the contrary notwithstanding.

Shares may be transferred and dividends paid in the United Kingdom.

22. Shares in the capital stock of the said Bank may be made transferable, and the dividends accruing thereon may be made payable in the United Kingdom in like manner as such shares and dividends are respectively transferable and payable at the Chief Office of the said Bank in Toronto; and to that end the Directors may from time to time make such rules and regulations and prescribe such forms, and appoint such agent or agents as they may deem necessary.

By what declaration, &c., the transmission of shares, otherwise than by regular transfer shall be authenticated.

23. If the interest in any share in the said Bank become transmitted in consequence of the death or bankruptcy, or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other lawful means than by a transfer according to the provisions of this Act, such transmission shall be authenticated by a Declaration in writing as hereinafter mentioned, or in such other manner as the Directors of the Bank shall require; and every such declaration shall distinctly state the manner in which and the party to whom, such share shall have been so transmitted and shall be by such party made and signed; and every such declaration shall be, by the party making and signing the same, acknowledged before a Justice of a Court of Record, or before the Mayor, Provost or Chief Magistrate of a City, Town, Borough or other place, or before a Public Notary, where the same shall be made and signed; and every such declaration so signed and acknowledged shall be left with the Cashier, or other Officer or Agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission in the Register of Shareholders; and until such transmission shall have been so authenticated, no party or person claiming by virtue of any such transmission, shall be entitled to receive any share of the profits of the Bank, nor to vote in respect of any such share as the holder thereof; Provided always that every such declaration and instrument as by this and the following section of this Act is required to perfect the transmission of a share in the Bank which shall be made in any other country than in this or some other of the British Colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice-Consul, or other the accredited Representative of the British Government in the country where the declaration shall be made, or shall be made directly before such British Consul, or Vice-Consul or other accredited Representative; And provided also that nothing in this Act contained shall be held to debar the Directors, Cashier, or other officer or agent of the Bank from requiring corroborative evidence of any fact or facts alleged in any such declaration.

Proviso: as to declarations made in foreign parts.

Proviso.

If the transmission be by the marriage of a female shareholder, or by will or intestacy.

24. If the transmission of any share virtue of the marriage of a female shar shall contain a copy of the register of s particulars of the celebration thereof, identity of the wife with the holder of transmission have taken place by virt instrument, or by intestacy, the prob letters of administration, or Act of cu extract therefrom, shall, together with s duced and left with the cashier or oth Bank, who shall, thereupon enter the titled under such transmission in the

If the transmission be by the decease of a shareholder.

25. If the transmission of any share Stock of the said Bank be by decease production to the Directors and depos bate of the will of the deceased Share administration of his estate granted by vince having power to grant such prob tration, or by any prerogative, diocesa authority in England, Wales, Irela British colony, or of any testament tes dative expede in Scotland, or if th shall have died out of Her Majesty's d to and deposit with the Directors of a letters of administration of his proper like import granted by any Court requisite power in such matters shall and authority to the Directors for p transferring or authorizing the transf suance of, and in conformity to such pr tration or other such document as afor

Bank not bound to see to trusts to which stock may be subject.

26. The said Bank shall not be bo tion of any trust, whether expressed, to which any of the shares of its stock the receipt of the party in whose na stand in the books of the Bank, or if i more parties than one, the receipt of from time to time be a sufficient disch dividend or other sum of money pa share, notwithstanding any trust to wh be subject, and whether or not the B such trust; and the Bank shall not application of the money paid upon s usage to the contrary notwithstanding.

Bank to invest one tenth of its paid up capital in provincial or municipal loan

27. It shall be the duty of the Dire invest, as speedily as the Debentures can be procured from the Receiver G vested at all times in the Debentures o within the same, or secured upon the

Loan Fund, one tenth part of the whole paid up capital of the said Bank, and to make a return of the numbers and amount of such debentures, verified by the oaths and signatures of the President and Chief Cashier or Manager of the said Bank to the Inspector General in the month of January in each year, under the penalty of the forfeiture of the Charter of the said Bank in default of such investment and return.

fund debentures, and to make a return thereof.

28. The said Bank shall not either directly or indirectly hold any lands or tenements (save and except such as by the first section of this Act it is especially authorized to acquire and hold), or any ships or other vessels, or any share or shares of the Capital Stock of the said Bank, or of any other Bank in this Province; nor shall the said Bank, either directly or indirectly, lend money or make advances upon the security, mortgage or hypothecation (*hypothèque*) of any lands or tenements, or of any ships or other vessels, nor upon the security or pledge of any share or shares of the Capital Stock of the said Bank, or of any goods, wares or merchandize; nor shall the said Bank, either directly or indirectly, raise loans of money, or deal in the buying, selling or bartering of goods, wares or merchandize, or engage or be engaged in any trade whatever, except as a dealer in gold and silver bullion, bills of exchange, discounting of promissory notes and negotiable securities, and in such trade generally as legitimately appertains to the business of banking: Provided always that the said Bank may take and hold mortgages and *hypothèques* on real estate, and on ships, vessels and other personal property in this Province, by way of additional security for debts contracted to the Bank in the course of its dealings, and also for such purpose may purchase and take any outstanding mortgages, judgments or other charges upon the real or personal property of any debtor of the said Bank.

Bank not to hold real property except as in sect. 1.

Nor exercise any but banking business.

Proviso: may hold mortgages, &c., as additional security.

29. The aggregate amount of discounts and advances made by the said Bank upon commercial paper or securities bearing the name of any Director of the said Bank, or the name of any copartnership or firm in which any Director of the said Bank shall be partner, shall not at any one time exceed one twentieth of the total amount of discounts or advances made by the Bank at the same time.

Discounts to Directors limited to one twentieth of the whole.

30. The Bank may allow and pay interest not exceeding the legal rate in this Province, upon money deposited in the Bank; and in discounting promissory notes, bills, or other negotiable securities or paper, may receive or retain the discount thereon at the time of discounting or negotiating the same; and when notes, bills, or other negotiable securities or paper are *bonâ fide* payable at a place within the Province different from that at which they are discounted, the Bank may also, in addition to the discount, receive or retain an amount not exceeding one half per centum on the amount of each

Bank may retain discount, &c.

May charge a premium in certain cases.

each such note, bill, or other negotiable security or paper; and the Bank may charge any note or bill held by and made payable at the Bank, against the deposit account of the maker or acceptor of such note or bill, at the maturity thereof, any law, statute or usage to the contrary notwithstanding.

May charge notes, &c., against the deposit accounts of certain parties thereto.

Certain bonds, &c, of the Bank to be assignable by indorsement.

21. The bonds, obligations and bills obligatory or of credit, of the said Bank, under its common seal, and signed by the President or Vice-President, and countersigned by a Cashier or Assistant Cashier thereof, which shall be made payable to any person or persons, shall be assignable by indorsement thereon under the hand or hands of such person or persons, and of his, her, or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in the several assignees successively, and to enable such assignee or assignees to bring and maintain an action or actions thereon, in his, her or their own name or names; and signification of any assignment by indorsement shall not be necessary, any law, custom or usage to the contrary notwithstanding; and bills or notes of the said Bank, signed by the President, Vice-President, Cashier or other officer appointed by the Directors of the said Bank to sign the same, promising the payment of money to any person or persons, his or their order, or to the bearer, though not under the corporate seal of the said Bank, shall be binding and obligatory upon it in the like manner and with the like force and effect as they would be upon any private person, if issued by him in his private or natural capacity, and shall be assignable in like manner as if they were so issued by a private person in his natural capacity; Provided always that nothing in this Act shall be held to debar the Directors of the said Bank from authorizing or deputing from time to time any Cashier, Assistant Cashier or officer of the Bank, or any Director other than the President or Vice-President, or any Cashier, Manager or local Director of any branch or office of discount and deposit of the said Bank, to sign the bills or notes of the Corporation intended for general circulation and payable to order or to bearer on demand.

Bills and notes valid though not under seal, and how assignable.

Proviso: Directors may authorize any Officers to sign notes.

Recital.

22. And whereas it may be deemed expedient that the name or names of the person or persons intrusted and authorized by the Bank to sign bank notes and bills on behalf of the Bank, should be impressed by machinery in such form as may from time to time be adopted by the Bank, instead of being subscribed in the hand-writing of such person or persons respectively; And whereas doubts might arise respecting the validity of such notes; Be it therefore further declared and enacted, that all bank notes and bills of *The Bank of Canada*, whereon the name or names of any person or persons intrusted or authorized to sign such notes or bills on behalf of the Bank, shall or may become impressed by machinery provided for that purpose, by or with the authority of the Bank, shall be and be taken to be good and valid to all intents and purposes, as if such

Signature to Bank-notes may be impressed by machinery;

such notes and bills had been subscribed in the proper handwriting of the person or persons intrusted and authorized by the Bank to sign the same respectively, and shall be deemed and taken to be bank notes or bills within the meaning of all laws and statutes whatsoever; and shall and may be described as bank notes or bills in all indictments and civil or criminal proceedings whatsoever; any law, statute or usage to the contrary notwithstanding.

And shall be Bank-notes for all purposes civil or criminal.

33. The notes or bills of the Bank made payable to order or bearer, and intended for general circulation, whether the same shall issue from the chief seat or place of business of the said Bank in Toronto, or from any of its branches, shall be payable on demand in specie at the place where they bear date.

Bank-notes payable at place of date.

34. A suspension by the said Bank either at its chief place or seat of business in Toronto aforesaid, or at any of its branches or offices of discount and deposit at any other place in this Province, of payment on demand in specie of the notes or bills of the said Bank, payable there on demand, shall, if the time of suspension extend to sixty days consecutively or at intervals, within any twelve consecutive months, operate as and be a forfeiture of its charter, and of all and every the privileges granted to it by this Act.

Suspension of payment for sixty days to forfeit charter.

35. The total amount of the bank notes and bills of the Bank, of all values in circulation at any one time shall never exceed the aggregate amount of the paid up capital stock of the Bank, and the gold and silver coin, and bullion and Debentures, or other securities reckoned at par, issued or guaranteed by the Government under the authority of the Legislature of this Province, on hand; but no bank note, or bill of the Bank under the nominal value of one dollar shall be issued or put in circulation.

Total amount of Bank-notes limited.

None under five shillings.

36. The total amount of the debts which the said Bank shall at any one time owe, whether by bond, bill, note or otherwise, shall not exceed three times the aggregate amount of its capital stock paid in, and the deposits made in the Bank in specie and in Government securities for money; and in case of excess, or in case the total amount of the bills or notes of the said Bank payable to order or to bearer on demand, and intended for general circulation, shall at any time exceed the amount hereinbefore limited, the said Bank shall forfeit its charter and all the privileges granted to it by this Act, and the Directors under whose administration the excess shall happen shall be liable jointly and severally for the same in their private capacity, as well to the shareholders as to the holders of the bonds, bills and notes of the said Bank, and an action or actions in this behalf may be brought against them or any of them, and the heirs, executors, administrators, or curators of them

Total liabilities of the Bank limited.

Forfeiture of charter for excess under this or the next preceding section, and liability of Directors.

them or any of them, and be prosecute
ecution according to law; but such ac
exempt the said Bank, or its lands, te
Proviso: how Directors may avoid such liability. tels from being also liable for such ex
that if any Director present at the time
excess of debt do forthwith, or if any
time of contracting any such excess of
four hours after he shall have obtaine
enter on the minutes or register of the
the same, and do within eight d
such protest in at least one newspape
such Director may thereby, and not
and discharge himself, his heirs, execu
or curators, from the liability aforesai
Proviso. tained, or any law to the contrary notw
always that such justification shall no
from his liability as a shareholder.

Limitation of liability of Shareholders in case of insolvency of the Bank. **37.** In the event of the property and becoming insufficient to liquidate th ments or debts thereof, the shareholde private or natural capacities shall be li the deficiency, but to no greater ex amount of their respective shares, that and responsibility of each shareholde said Bank shall be limited to a sum of to his stock therein, over and above a ments which may be unpaid on such s
Proviso. also remain liable and which he shall pa that nothing in this section contained sh or diminish the additional liabilities of Bank hereinbefore mentioned and decl

Statement of Officers to be published monthly. **38.** Besides the detailed statement Bank, hereinbefore required to be laid thereof, at their annual general mee make up and publish on the first Mo month, statements of the assets and lia in the form of the schedule A here under the heads specified in the said fo of the notes of the said Bank in circula at the termination of the month to w refer, and the average amount of spec
Copy to Governor, and how attested. at the same times were available to shall be the duty of the Directors to sub this Province, if required, a copy of su and if by him required to verify all statements, the said Directors shall production of the weekly or month
Governor may require further information. which the said statements shall hav furthermore, the said Directors shall, fi required, furnish to the said Governo

further reasonable information respecting the state and proceedings of the said Bank and of the several branches and offices of discount and deposit thereof as such Governor of this Province may reasonably see fit to call for; Provided always, that the weekly or monthly balance-sheets and the further information that shall be so produced and given, shall be held by the said Governor of this Province as being produced and given in strict confidence, that he shall not divulge any part of the contents of the said weekly or monthly balance-sheets or of the information that shall be so given; And provided also, that the Directors shall not, nor shall any thing herein contained be construed to authorize them or any of them to make known the private accounts or account of any person or persons whatever having dealings with the said Bank.

Proviso: such further information to be confidential.

Proviso: private accounts not to be disclosed.

39. It shall not be lawful for the said Bank at any time whatever, directly or indirectly, to advance or lend to or for the use of or on account of any foreign Prince, Power or State, any sum or sums of money or any securities for money; and if such unlawful advance or loan be made, then and from thenceforth the said corporation shall be dissolved, and all the powers, authorities, rights, privileges and advantages granted to it, by this Act, shall cease and determine.

Bank not to lend money to any foreign State, &c.

40. The several public notices by this Act required to be given, shall be given by advertisement in one or more of the newspapers published in Toronto, and in the *Canada Gazette*, or such other Gazette as shall be generally known and accredited as the Official Gazette, for the publication of official documents and notices emanating from the Civil Government of this Province, if any such Gazette be then published.

Public notices, how to be given.

41. If any cashier, assistant cashier, manager, clerk or servant of the said Bank shall secrete, embezzle, or abscond with any bond, obligation, bill obligatory or of credit, or other bill or note, or any security for money, or any moneys or effects intrusted to him as such cashier, assistant cashier, manager, clerk or servant, whether the same belong to the said Bank, or belonging to any other person or persons, body or bodies politic or corporate, or institution or institutions, be lodged and deposited with the said Bank, the said cashier, assistant cashier, manager, clerk or servant so offending, and being thereof convicted in due form of law, shall be deemed guilty of felony.

Embezzlement, &c., by Bank Officers to be felony.

42. Every person convicted of felony under this Act shall be punished by imprisonment at hard labour in the Provincial Penitentiary for any term not less than two years, or by imprisonment in any other Goal or place of confinement for any less term than two years in the discretion of the Court before which he shall be convicted.

Punishment over two years, imprisonment in Penitentiary.

43. It shall and may be lawful to and for any Justice of the Peace on complaint made before him upon the oath of one credible

Power to search for

forged notes or machinery used for forging;

credible person, that there is just one or more person or persons is, or concerned in making or counterfeiting change, promissory notes, undertakin Bank, or hath in his possession ar instruments, tools or materials for the same, or any part thereof, by w such Justice to cause the dwelling h out-house or other building, yard, gar ing to such suspected person or pe person or persons shall be suspected

How dealt with if found.

making or counterfeiting, to be search bills of exchange, promissory notes, u any plates, presses or other tools, inst be found in the custody or possession whomsoever, not having the same by shall and may be lawful to and whomsoever, discovering the same, are hereby authorized and required to terfeit bills of exchange, promissor orders, and such plates, presses or c materials, and to carry the same fort the Peace of the County or District the adjoining County or District) in seized, who shall cause the same to b in evidence against any person or be prosecuted for any of the offences of Justice proper for the determinatio after being so produced in evidence, sh be defaced or destroyed, or otherw Court shall direct.

Saving of rights of Crown, &c.

44. Nothing in this Act contain derogate from, or affect, or be const affect the rights of Her Majesty, Her of any person or persons, or of any corporate, except in so far as the sa rogated from or affected by the provis

Public Act.

45. This Act shall be held and ta and shall be known as the "Charter and the Interpretation Act shall apply

Duration of this Act.

46. This Act shall be and remai day of January, which will be in th thousand eight hundred and seventy, the end of the then next session of Province, and no longer.

SCHEDULE A

Referred to in the thirty-seventh section of the foregoing Act.

Return of the Average Amount of liabilities and assets of the Bank of Canada during the period from the first to one thousand eight hundred and

LIABILITIES.

Promissory notes in circulation not bearing interest....$
Bills of exchange in circulation not bearing interest....$
Bills and notes in circulation bearing interest.....$
Balances due to other Banks.....$
Cash deposits not bearing interest.....$
Cash deposits bearing interest.....$

Total average liabilities.....$

ASSETS.

Coin and bullion.....$
Landed or other property of the Bank.....$
Government securities.....$
Promissory notes or bills of other Banks.....$
Balances due from other Banks.....$
Notes and bills discounted.....$
Other debts due to the Bank, not included under the foregoing heads.....$

Total average assets.....$

CAP. CXXXII.

An Act to amend and extend three several Acts, passed respectively in the seventh, ninth and fourteenth years of Her present Majesty's Reign, relating to "The Trust and Loan Company of Upper Canada."

[*Assented to 16th August*, 1858.]

Preamble.

WHEREAS an Act, hereinafter called the "Principal Act," was passed in the seventh year of the Reign of Her present Majesty, intituled, *An Act for incorporating and granting certain powers to the Upper Canada Trust and Loan Company*, and powers were by the said Act given to the said Company to borrow money on Mortgage and Bonds, as therein mentioned; And whereas the said Act has since been amended by two Acts passed, the one in the ninth and the other in the fourteenth year of the Reign of Her present Majesty; And whereas, shortly after the passing of the said Principal Act, subscriptions

7 V. c. 63.

8 V. c. 96.

13, 14 V. c. 138.

subscriptions for Shares in the Capital of the said Company were opened, and for the better carrying on and regulating the affairs of the said Company, a Deed of Settlement was prepared and executed, bearing date the first day of June, in the year of our Lord one thousand eight hundred and forty-four, and made between the several persons named in the said Act of the first part, the several persons whose names are thereto subscribed and seals affixed (except the several persons parties thereto of the first part) of the second part, and the Trust and Loan Company of Upper Canada, of the third part; And whereas by the said Deed of Settlement, after reciting that application was about to be made for a Royal Charter, it was amongst other things provided that the Capital and business of the said Company, and the affairs and concerns thereof, and the rules and regulations under which the same were to be conducted and carried on, should be according and conformable to the several provisions expressed and contained in the said Principal Act, or in any Act of the Legislature of Canada, that might be passed for amending the same; And whereas by Royal Charter, under the Great Seal of England, dated the thirteenth of November, one thousand eight hundred and forty-five, it was declared that the said Trust and Loan Company of Upper Canada, should enjoy all the Corporate and other privileges, immunities and powers granted to them by the said Principal Act, not only in the said Province of Canada, but also in the United Kingdom of Great Britain and Ireland; and that they should be one body Politic and Corporate by the name of "The Trust and Loan Company of Upper Canada;" And it was by the said Charter, amongst other things provided that two successive Extraordinary General Meetings, specially called for the purpose, should be requisite to make, and should have power to make, any new laws, regulations, provisions, and by-laws for the Company, or to amend, alter or repeal, either wholly or in part, all or any existing laws, regulations, provisions, or by-laws of, or relating to, the Company, or the Officers or affairs thereof, so as what shall be so done be not inconsistent with the provisions contained in the Charter now in recital, or contained or referred to in the said Principal Act or Deed of Settlement; And it was thereby further provided, that it should be lawful for the Directors, for the time being, to borrow and owe such sums of money as the Company then was, or thereafter might be, authorized to borrow, by the provisions of the said Principal Act, or any Act or Acts of the Parliament of Canada, amending, altering, or extending the same, or by the provisions of any Act or Acts of the Parliament of the United Kingdom of Great Britain and Ireland, passed in pursuance of the said Principal Act, for investing the Company with further powers and privileges, provided that such powers of borrowing were exercised in conformity with the requirements of the said Act or Acts, and also provided that such sums did not exceed at any period, the amount of the Capital of the Company, which for the time being should have been subscribed

subscribed for and paid up, or be liable to be paid by the Shareholders; And it was thereby further provided that it should not be lawful for the said Company to carry on the business of a Banker, by keeping Cash of or for any person or persons payable on demand, or by borrowing, owing or taking up money on their Bills or Notes payable on demand, or at any less time than twelve months from the borrowing thereof, or for a less sum than one hundred pounds; And whereas it is expedient to amend the said Acts, and to make such further provisions as are hereinafter contained: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Power of the Company to borrow.

1. The Company may borrow on the security of Mortgages, Bonds, Notes, Bills, or any other securities they may be advised to issue, any sums authorized to be borrowed by them.

Restrictions on borrowing power.

2. All Notes and Bills issued by the Company shall be conformable to the provisions of the said Charter, and to the Law of England.

Form of note or bill.

3. Every Promissory Note or Bill of Exchange made, drawn, accepted, or endorsed on behalf of the Company, shall be signed by two or more Directors and by the Secretary of the Company, and shall be stamped with the Seal of the Company.

Specialty creditors not to have priority.

4. No Creditor by Mortgage or Bond, shall, by reason only of the nature of his security, have any priority over a Creditor by Promissory Note or Bill.

Power to increase capital

5. The Directors may, with the sanction of the Company previously given in general Meetings, increase its Capital to such sum as, with the Capital already subscribed for, will make up in the whole three millions of pounds, sterling money of Great Britain.

Incidents of new capital.

6. Any Capital raised by the creation of New Shares shall be considered as part of the Original Capital, and shall be subject to the same provisions in all respects, whether with reference to the payment of Calls or the forfeiture of Shares on non-payment of Calls, or otherwise, as if it had been part of the Original Capital.

Distribution of new capital.

7. The sum to be raised shall be divided into Shares of such amount as will conveniently allow the same to be apportioned among the then Shareholders, in proportion to the existing Shares held by them respectively, and such new Shares shall be offered to the then Shareholders in the proportion aforesaid, and such offer shall be made by letter, under the hand of the Secretary, given to or sent by post, addressed to each Shareholder, according to his address in the Shareholders' Address Book, or left at his usual or last known place of abode.

New shares to vest in Shareholders who accept the same.

8. The said new Shares shall vest Shareholders who accept the same, bu for one month after such offer of n same, it shall be lawful for the Compa Shares, in such a manner as they deem of the Company.

Provision in case of new shares not being at par.

9. The new Shares shall be of such issued in such manner and on such may think fit; Provided, nevertheless, issued at a discount or below the nomi

Limit of borrowing powers of Company.

10. The Company may, from time sums of money as may be sanctioned so that the whole amount of money Loan to the Company, do not exceed th of the Company for the time being, sul ing uncalled, and liable to be paid up nevertheless no call made subsequently to the Company shall invalidate such

Alterations made in pursuance of charter to be binding in Canada.

11. All new laws, regulations, prov all amendments and alterations of ex provisions and by-laws made by the of the powers of the said Charter, shal Company in Canada, to the same binding on the said Company in Eng were carrying on its business altogethe altogether subject to English Law.

Effect of Supplemental Royal Charter or Imperial Act.

12. In the event of the Company mental Charter from Her Majesty, or a Parliament, amending or altering any the Company contained in the said C Settlement, or in any Act passed by the in relation to the said Company, such or Imperial Act, shall be valid in Cana as if the provisions therein contained Legislature of Canada.

Provision as to rate of interest.

13. All powers given by either of the Company, of receiving and taking, to pay, any rate of interest not exce cent. per annum, for money lent or bor ively, in pursuance of the said Act receiving in advance half-yearly inter granted by the Company, shall extend a raised, and money lent or borrowed by pursuance of this Act, and the Compa such last mentioned Capital and mone pay, or agree to pay, demand and r interest accordingly.

blic Act.

14. This Act shall be deemed a Pub

CAP. CXXXIII.

An Act to incorporate the Canada Landed Credit Company.

[*Assented to 16th August*, 1858.]

Preamble.

WHEREAS the improved and unimproved lands in this Province would be rendered permanently more productive and valuable by the application of a greater amount of capital than is now employed upon them; And whereas capital so employed would be the means of increasing the demand for additional labor, of producing additional supplies of food, and of promoting the prosperity of every class of the community; and it is therefore desirable to encourage the introduction of such capital into this Province for that purpose; And whereas it would greatly facilitate the borrowing on advantageous terms of such sums as may be required by landed proprietors, if the same were raised by Debentures issued upon the credit of the capital of a joint stock Company, and on the securities on real estate held by such Company, instead of being raised upon the separate credit of each individual landowner: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons incorporated.

1. Wm. H. Boulton, John Beverley Robinson, Richard L. Denison, Wm. C. Gwynne, E. W. Thomson, Samuel Spreull, Fred. W. Jarvis, John Shaw, Thos. Clarkson, Wm. McMaster, L. Moffatt, W. P. Howland, Thomas Schreiber, and all or any other person or persons, bodies politic and corporate, who as executors, administrators, successors or assigns, or by any other lawful title, may hold any part, share or interest in the capital stock of the said Company, and their executors, administrators, successors and assigns, shall be and they are hereby constituted a body politic and corporate, under the name and style of the *Canada Landed Credit Company*, and shall by that name have perpetual succession and a common seal, and by the same name be capable of suing and being sued in all Courts of Justice in this Province.

Corporate name, &c.

Certain powers of loaning money granted to said Company.

2. It shall be lawful for the said Company to lay out and invest their capital in the first place in paying and discharging all expenses incurred in applying for and obtaining this Act, and the preliminary expenses attending the establishment of the said Company, and the remainder, or so much thereof as may from time to time be deemed necessary for and towards carrying out the objects of this undertaking as hereinafter mentioned, that is to say, from time to time, and at any time, to lend and advance money, by way of loan or otherwise, on real or immoveable estate in the said Province, to be secured by such real security, and for such term not exceeding fifty years as the said Company shall agree upon and direct: Provided always that in the event of the said Company agreeing to advance money

Proviso: if loan be on wild lands.

money on the security of wild or bush land, or for the special purpose of executing works for the drainage of land in this Province, the Mortgager shall, in addition to the mortgage security, enter into a bond with good and sufficient sureties to lay out the money so advanced in the clearing and improving of such wild or bush land, or in executing such works of drainage, in such manner and under such conditions and restrictions as the said Company and their surveyor appointed for that purpose shall direct: Provided always that on all money so advanced there be paid an interest not exceeding eight per centum per annum, and that the principal money so advanced shall be repaid by means of a sinking fund of not less than two per centum per annum, within such time as the said Company shall direct and appoint, and as shall be specified in the mortgage or assignment of mortgage, to be made of such real estate and of such revenues, rates, rents, tolls or profits as hereinafter mentioned, and the said Company may do all acts that may be necessary for advancing such money, and for recovery and obtaining repayment thereof, and for enforcing payment of all interest accruing therefrom, or any conditions annexed to such advance, or any forfeiture consequent on the non-payment thereof, and give all necessary and proper receipts, acquittances and discharges for the same; and do, authorize and exercise all acts and powers whatsoever, requisite or expedient to be done or exercised in relation to the said purposes.

Proviso: interest not to exceed 8 per cent., and Sinking Fund to be provided in every case.

Further general powers.

Forms of conveyance and mortgage to Company.

3. All conveyances to be made by the Company, under or by virtue of this Act, may be made according to the form in the Schedule A to this Act annexed, or as near thereto as the circumstances will admit; and every mortgage for securing money borrowed from the Company, may be by deed under seal, wherein the consideration shall be duly stated, and may be according to the form in the Schedule B to this Act annexed, or as near as the circumstances will admit, or in any other form recognized by law.

Company may receive half year's interest in advance.

4. The said Company may, and are hereby empowered, to demand and receive in advance the half yearly interest from time to time accruing on any advances of money made by the said Company, under and by virtue of this Act.

Capital.

5. The Capital of the said Company shall be Five Hundred Thousand Dollars, in shares of Fifty Dollars each, and such shares shall be numbered in arithmetical progression, beginning with No. 1, and be respectively distinguished by the numbers affixed to them.

Shares to be personal estate.

6. All shares in the undertaking shall be personal estate, and transmissible as such, and shall not be of the nature of real estate.

Register of Shareholders.

7. The Company shall keep a book, to be called "the Register Book of Shareholders," and in such book shall be fairly and distinctly entered, from time to time, the names and additions of the several persons being shareholders of the Company, the number of shares to which such shareholders shall be respectively entitled, distinguishing each share by its number, and the amount of the subscriptions paid on such shares; and such book shall be authenticated by the common seal of the Company being affixed thereto.

Addresses of Shareholders.

8. In addition to the said register of shareholders, the Company shall provide a proper book, to be called "The Shareholders' Address Book," in which the Secretary shall from time to time enter the places of abode of the several shareholders of the Company; and every shareholder, or creditor of the Company, or agent of such shareholder or creditor may at all convenient times peruse such register and address book gratis, and may require a copy thereof, or of any part thereof; and for every hundred words so required to be copied, the Secretary may demand a sum not exceeding ten cents.

Access thereto gratis.

Certificates of shares.

9. On demand of the holder of any share, the Company shall cause a certificate of the Proprietorship of such share to be delivered to such shareholder; and such certificate shall have the common seal of the Company affixed thereto, and such certificate shall specify the share or number of shares in the undertaking to which such shareholder is entitled, and the same may be according to the form in the Schedule C to this Act annexed, or to the like effect; and for such certificate the Secretary may demand any sum not exceeding fifty cents; and such certificate shall be admitted in all Courts as evidence of the title of such shareholder to the share therein specified, nevertheless the want of such certificate shall not prevent the holder of any shares from disposing thereof.

Fee thereon.

Renewing certificates.

10. If any such certificates be worn out or damaged, then upon the same being produced at some meeting of the Directors, such Directors may order the same to be cancelled, and thereupon another similar certificate shall be given to the party in whom the property of such certificate and of any share therein mentioned, shall be at the time vested; or if such certificate be lost or destroyed, then upon proof thereof a similar certificate shall be given to the party entitled to the certificate so lost or destroyed; and in either case a due entry of the substituted certificate shall be made by the Secretary in the Register of Shareholders, and for every certificate, so given or exchanged, the Secretary may demand any sum not exceeding fifty cents.

Entry and fee.

Transfers of shares to be registered.

11. Subject to the regulations herein contained, any shareholder may sell or transfer his shares or any of them by deed, in which the consideration shall be truly stated, and such deed may

may be according to the form in
annexed, or to the like effect; and
executed) shall be delivered to the S
him, and the Secretary shall enter a m
to be called "The Register of Trans
Entry and fee. such entry on the deed of transfer; a
and endorsement the Secretary ma
exceeding one dollar, and on the re
of the purchaser of any Share, a new
ed in the manner aforementioned,
such transfer shall be made on the ce
new certificate, and for such endorse
demand any sum not exceeding one
Effect of indorsement by Secretary. ment being signed by the Secretary
every respect the same as a new ce
transfer shall have been so delivered
said, the seller of such share shall re
calls, and the purchaser of the sha
receive any share of the profits of th
vote in respect of such share.

Transfer not to be made until calls paid. **12.** No shareholder shall be enti
until he shall have paid all calls
every share held by him.

Transfer of shares to be made only with consent of Directors after notice given. **13.** Every person who shall be de
share or shares in the Company, shall
procured any person to be a holder o
the Company, give notice thereof in
the Company, at the place of
England, or at Toronto, in this Pr
in such notice the name and re
person, and the number or num
shares; or such notice may be give
to be the holder of such share or share
proceed without delay to take eve
sideration, and shall, if required u
more of them, certify in writing to the
the approbation or disapprobation of
posed holder or holders, and such p
shall not be admitted or registered
holders, unless he, she or they shal
Directors, and shall have complied
provisions of the Company relating to
ing shares in the Company.

Transmission of shares by other means than transfer to be authenticated by a declaration. **14.** If the interest in any shares
in consequence of the death, or banl
any shareholder, or in consequence of
shareholder, or by any other legal
according to the provisions of this A
thenticated by a declaration in writing,

or in such other manner as the Directors shall require; and every such declaration shall distinctly state the manner in which the party to whom such share shall have been so transmitted; and shall be made and signed, and shall be by such party acknowledged before a Judge or Commissioner for taking affidavits in the Superior Courts, who are hereby authorized to take such affidavits; and such declaration shall be left with the Secretary, and thereupon he shall enter the name of the person entitled under such transmission in the Register Book of Shareholders of the Company, whereby such person shall be and become a shareholder in the said undertaking; and for every such entry the Secretary may demand any sum not exceeding one dollar. And until such transmission shall have been so authenticated, no person or party claiming by virtue of such transmission, shall be entitled to receive any share of the profits of the Company, nor to vote in respect of any such shares as the holder thereof. Entry and fee.

15. With respect to any share to which several persons may be jointly entitled, all notices directed to be given to the shareholders shall be given to such of the said persons whose names shall stand first in the Register of Shareholders; and notice so given shall be sufficient notice to all the proprietors of such share unless any such joint proprietor shall, by writing under his hand, request such notice to be given to any other or all such joint proprietors. As to shares held jointly.

16. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the said shares may be subject, and the receipt of the party in whose name any such share shall stand in the books of the Company, shall from time to time be a sufficient discharge to the Company for any dividend or other sum of money payable in respect of such share, notwithstanding any trusts to which such share may then be subject, and whether or not the Company have had notice of such trusts, and the Company shall not be bound to see to the application of the money paid upon such receipt. Company not bound to see to trusts to which shares are subject.

17. The Company may from time to time make such calls of money upon the respective shareholders in respect of the amount of capital respectively subscribed or owing by them, as they shall deem necessary, provided that thirty days' notice at the least be given of each call, and that no call exceed the amount of ten dollars per share, and that successive calls be not made at less than the interval of three months, and that the aggregate amount of calls made in one year do not exceed the amount of forty dollars per share; and every shareholder shall be liable to pay the amount of calls so made in respect of the shares held by him, to the persons and at the times and places from time to time appointed by the Company; Provided always Calls how to be made, &c. Proviso.

When the Company may commence business.

always that it shall not be lawful for the said Company to commence business until a sum of not less than fifty thousand dollars shall have been paid up by the subscribers to the said capital stock.

Interest to be charged on unpaid calls.

18. If before, or on the day appointed for payment, any shareholder do not pay the amount of any call, he shall be liable to pay interest for the same at the rate of six per centum per annum from the day appointed for the payment thereof to the time of the actual payment.

Interest allowed on calls paid in advance.

19. The said company may, if they think fit, receive from any of the shareholders willing to advance the same, all or any part of the money due upon their respective shares, beyond the sums actually called for; and upon the principal money so paid in advance, or so much thereof as from time to time shall exceed the amount of the calls made upon the shares in respect of which such advance shall have been made, the Company may pay interest at such rate not exceeding six per centum, as the shareholders paying such sum in advance and the Company shall agree upon.

Amount of calls may be recovered by suit.

20. If at the time appointed by the Company for the payment of any call, the holder of any share fail to pay the amount of such call, the company may sue such shareholder for the amount thereof in any court of law or equity having competent jurisdiction, and may recover the same with interest at the rate of six per centum per annum from the day on which such call may have been made payable.

Certain formalities not necessary in actions for calls.

21. In any action to recover any money due upon any call, it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear shall amount, in respect of one call or more upon one share or more, stating the number and amount of each of such calls, whereby an action hath accrued to the said Company by virtue of this Act.

What only need be proved on the trial.

22. On the trial of such action it shall be sufficient to prove that the defendant at the time of making such call was a holder of one share or more in the Company, and that such call was in fact made and such notice thereof given as is directed by this Act, and it shall not be necessary to prove the appointment of the directors who made such call nor any other matter whatsoever, and thereupon the Company shall be entitled to recover what shall be due upon such call with interest thereon, unless it shall appear either that any such call exceeds the amount of ten dollars per share or that due notice of such call was not given, or that the interval of three months between the successive calls had not elapsed, or that calls amounting to more than the sum of forty dollars in one year had been made.

23.

Evidence of party being a Shareholder.

23. The production of the register book of shareholders of the Company, or a certified extract therefrom, under the signature of the secretary of the company, shall be *primâ facie* evidence of such defendant being a shareholder, and of the number and amount of his shares and of the sums paid in respect thereof.

Forfeiture of shares for non-payment of calls.

24. If the holder of any share fail to pay a call payable by him in respect thereof, together with the interest that shall have accrued thereon, the directors, at any time after the expiration of one month from the day appointed for payment of such call, may declare such share forfeited and that whether the Company have sued for the amount of such call or not.

How such forfeiture declared.

25. No advantage shall be taken of such forfeiture unless the same shall be declared to be forfeited at a general meeting of the company to be held after the expiration of three months at the least from the day on which such notice of intention to make such declaration of forfeiture shall have been given; and it shall be lawful for the Company to confirm such forfeiture at any such meeting and by an order at such meeting, or at any subsequent general meeting, to direct the share so forfeited to be sold or otherwise disposed of, and after such confirmation the directors may sell the forfeited shares, and either separately or together in lots as to them may seem fit.

How forfeited shares shall be conveyed to the purchaser.

26. A declaration in writing by an officer or servant of the Company, or by some credible person (not interested in the matter), made before any Judge, or before a Commissioner for taking affidavits in the Superior Courts, who are hereby authorized to take such declaration, that the call in respect of a share was made and notice thereof given, and that default in payment of the call was made, and that the forfeiture of the share was declared and confirmed in manner hereinbefore required, shall be sufficient evidence of the facts therein stated, and such declaration and receipt of the secretary of the Company for the price of such share shall constitute a good title to such share, and thereupon the purchaser shall be deemed the proprietor of such share, discharged from all calls made prior to such purchase, and a certificate of proprietorship shall be delivered to such purchaser upon his signing the undertaking to hold the said shares so purchased by him as aforesaid subject to the provisions of this Act, and he shall not be bound to see to the application of the purchase money, nor shall his title to such share be affected by any irregularity in the proceedings in reference to any such sale.

No more shares to be sold than will pay calls in arrear.

27. The Company shall not sell or transfer more of the shares of any such defaulter than will be sufficient, as nearly as can be ascertained at the time of such sale to pay the arrears then due from such defaulter on account of any calls, together with

with interest and the expenses attending such sale and declaration of forfeiture, and if the money produced by the sale of any such forfeited share be more than sufficient to pay all arrears of calls and interest thereon due at the time of such sale and the expenses attending the declaration of forfeiture and sale thereof, the surplus shall on demand be paid to the defaulter, or in default thereof, applied in and towards satisfaction of any calls made thereafter, but prior to such demand being made as last aforesaid, in respect of the remaining unsold shares of such defaulter.

Payment of arrears before sale of forfeited shares.

28. If the payment of such arrears of calls and interest and expenses be made before any shares so forfeited and vested in the Company shall have been sold, such share shall revert to the party to whom the same belonged before such forfeiture, in such manner as if such calls had been duly paid.

Liabilities of Shareholders limited.

29. No shareholder of the Company shall be liable for or charged with the payment of any debt or demand due from the Company, beyond the extent of his shares in the capital of the Company not then paid up; and no action therefor shall be commenced before an execution against the Company shall have been returned unsatisfied, in whole or in part, and the amount due on such execution shall be the amount recoverable with costs against such shareholder.

Debentures may be issued by the Company, and money raised on them: how and when.

30. When and so soon as the Company shall have advanced any sum of money on the security of real estate, or other security in this Act mentioned, and shall have in their custody and possession the mortgage Deed duly executed, registered and perfected, it shall be lawful for the said Company to issue a debenture or debentures, equal in amount to the sum so advanced on mortgage, and such debentures shall be numbered in arithmetical progression, beginning with number one, and be respectively distinguished by the number affixed to them: Every debenture shall truly state the sum for which it is issued, which shall not be for a less sum than fifty dollars, or the like amount in sterling money, the time when payable, and the interest it bears, which shall not exceed eight per centum per annum, and the same may be in the form in the Schedule E, to this Act annexed, or to the like effect; Provided that the amount to be raised by debentures do not exceed the amount of the capital authorized by this Act.

Proviso.

Mortgage and debenture book to be kept.

31. The Company shall keep a book, to be called "The Mortgage and Debenture Book," and in such book shall be fairly and distinctly entered from time to time, the date, names, amount of mortgage money advanced, and other short particulars of every Mortgage Deed in their custody and possession, together with the number and amount, and other short particulars of the debenture or debentures issued in respect thereof, which shall in no case exceed the amount so advanced on Mortgage.

Statement to be sent periodically to Inspector General.

32. The Company shall, on the first day of January and July in each year, transmit to the Inspector General a full and clear statement of their assets and liabilities on the day of the date thereof, and such statement shall contain, in addition to such other particulars as the Inspector General may require:

1st. The amount of Stock subscribed;

2nd. The amount paid in upon such stock;

3rd. The amount borrowed for the purposes of investment and the securities given therefor;

4th. The amount invested and secured by mortgage deeds;

5th. The value of the Real Estate under mortgage.

Attestation of such statement.

33. And such statement shall be attested by the oath before some Justice of the Peace, of two persons, one being the President, Vice-President, or other functionary for the time being at the head of the Company, and the other the Cashier or Auditor of the Company, each of whom shall swear distinctly, that he has such quality or office as aforesaid; that he has had the means of verifying, and has verified, the statement aforesaid, and found it to be exact and true in every particular; that the property under Mortgage has been set down at its true value, to the best of his knowledge and belief; and that the amount of the shares and debentures issued and outstanding, as he verily believes, is correct; and such statement shall be published by the Inspector General, in such manner as he shall think most conducive to the public good; and for any neglect to transmit such statement in due course of post, within five days after the day to which it is to be made up, the Company shall incur a penalty of one hundred dollars per diem; and if the same be not transmitted within one month after the said day, or if it shall appear by the statement that the Company is insolvent, the Inspector General may, by notice in the Gazette, declare the business of the Company to have ceased; and if the Inspector General shall in any case suspect any such statement to be wilfully false, he may depute some competent person to examine the books, and enquire into the affairs of the Company, and to report to him on oath; and if by such report it shall appear that such statement was wilfully false, or that the Company is insolvent, or if the person so deputed shall report on oath that he has been refused such access to the books, or such information as would enable him to make a sufficient report, the Inspector General may, by notice in the Gazette, declare the business of the Company to have ceased; but in any of the cases in which discretionary power is given to the Inspector General to declare the business of the Company to have ceased, he may, before so doing, give notice to the Company, and afford the same an opportunity of making any explanation

Statement may be published.

If any statement be suspected of being wilfully false.

Notice to Company

Expenses to be paid by the Company.

explanation it may be advisable to make; and all expenses attending such periodical statements, and the publication thereof, shall be borne by the said Company.

Debenture holder not to have rights and privileges of shareholder.

34. No person shall, in right of any debenture, be deemed a shareholder, or be capable of acting or voting as such at any meeting of the Company.

Scale of votes.

35. At all meetings of the Company, every shareholder shall be entitled to one vote for every share up to ten, and one vote for every five shares held by him beyond the first ten shares; and no shareholder shall be entitled to vote at any meeting unless he shall have paid all the calls then payable upon all the shares held by him.

Votes may be given by proxy.

36. Such votes may be given either personally or by proxy, the holders of such proxies being shareholders, authorized by writing according to the form in Schedule F, to this Act annexed, or in form to the like effect, under the *hand* of the shareholder nominating such proxy; and every *proposition* at any such meeting shall be determined by show of hands, or upon demand of any shareholder after such show of hands by the majority of the votes of the parties present, including proxies, the chairman of the meeting being entitled to vote, not only as a principal or proxy, but to have a casting vote if there be an equality of votes.

Formalities relating to proxies.

37. No person shall be entitled to vote as a proxy unless the instrument appointing such proxy have been transmitted to the Clerk or Secretary of the Company five clear days before the holding of the meeting at which such proxy is to be used, and no person shall at any one meeting represent as proxy more than thirty shareholders.

Parties holding one share conjointly.

38. If several persons be jointly entitled to a share, the person whose name stands first on the Register of Shareholders as one of the holders of such share, shall, for the purpose of voting at any meeting, be deemed the sole proprietor thereof, and on all occasions the vote of such first named shareholder alone, either in person or by proxy, shall be allowed as the vote in respect of such share, and no proof of the concurrence of the other holders thereof shall be required.

Chief place of business.

39. The chief place of business of the said Company shall be at the City of Toronto, but the said Company shall from time to time, and at all times hereafter, have power and authority, and they are hereby authorized to establish such and so many agencies in any part or portion of this Province, or in England, and under such regulations for the management thereof, and to remove the same, as to the Directors of the said Company may seem expedient.

40. The business and affairs of the said Company shall be conducted and managed by a Board of Directors to be appointed by the shareholders as hereinafter provided, which Board shall consist of qualified shareholders, and which Board in the first instance, and provisionally and until the first general annual meeting of the Company, shall consist of William H. Boulton, John Beverley Robinson, Richard L. Denison, William C. Gwynne, E. W. Thomson, Samuel Spreull, Frederick W. Jarvis, John Shaw, Thomas Clarkson, William McMaster, L. Moffatt, W. P. Howland and Thomas Schreiber, who shall remain in office until the first Wednesday in January, one thousand eight hundred and fifty-nine, and shall then go out of office, being eligible for re-election, and shall then be replaced by twelve Directors, to be elected by the shareholders, who shall attend either in their own persons or by proxy, and six of the said Directors shall go out of office, by rotation, in each year, being, however, eligible for re-election as Directors, and the election of Directors in place of those so retiring from office shall be held at the first annual general meeting of the Company by the shareholders, who shall either attend in their own persons or by proxy, and all elections of Directors shall be by ballot, and the persons having the greatest number of votes at any such election shall be Directors, and if two or more shall have an equal number of votes in such manner that more than two shall appear to be chosen, then another ballot shall be taken until it shall be determined which of the said two or more shall have a majority of votes, and the Directors shall choose their President and Vice-President: Provided always that five Directors shall be a quorum for the transaction of business; Provided also that the Directors to be elected under the provisions of this Act shall for the first two years be holders of not less than ten shares, and afterwards shall be holders of not less than twenty shares in the said Company.

Provisional Directors.

First election of Directors.

Annual retirement of Directors.

Quorum.

Qualification of Directors.

41. The first Annual General Meeting shall be held in the said City of Toronto, on the first Wednesday in January, one thousand eight hundred and fifty-nine, or the next following day or any other day to be appointed by the By-law, and the said meeting shall be held on the same day in every successive year thereafter in the said City, and at the said first Annual General Meeting the shareholders present as aforesaid shall then determine the mode and manner in which the six Directors shall retire and in which they shall be then and in future elected, and the notice of all subsequent general annual meetings for the election of Directors shall contain the names of the six retiring Directors; Provided always that the retirement of the six first Directors shall be determined by ballot among themselves.

Annual general meetings of the Company.

Mode of retirement of six Directors.

Proviso.

42. The Directors shall have and exercise the powers, privileges and authorities set forth and vested in them by this Act, and they shall be subject to and be governed by such rules,

Powers, duties and authorities of Directors.

By-laws. rules, regulations and provisions as ar respect thereto and by the By-laws to b ment of the said Company, and the D lawfully exercise all the powers of the such matters as are directed by this Ac

Special meetings. general meeting of the Company; they special or other meetings of the Comp which they may deem necessary; and sition made in writing by any number in the aggregate, one fifth part of the sha vene an extraordinary general meeting so made by the shareholders shall ex meeting proposed to be called, and sha ny's office, and if the Directors do no meeting within twenty-one days from th the requisitionists, or any other shareho ed number of shares, may themselve

Affixing corporate seal. the Directors may use and affix or affixed the Seal of the Company to

Calls. which in their judgment may require th and enforce the calls upon the shares holders; they may declare the forfeitur

Payments and loans. such calls are not paid; they may mak vances of money as they may deem exp at any time be authorized to be made the Company, and enter into all co of the purposes of the Company, and

Managing property. necessary for the transaction of its affai deal with, treat, sell, and dispose of t effects of the Company for the time be they shall deem expedient and conduc Company, as if the same lands, proper and owned according to the tenure, a ties, if any, from time to time affecting corporate, but by any of Her Majesty's

Further general powers. age; they may do and authorize, asse required for the due exercise of any thorities which may hereafter be at a Company by the Legislature of this formance and fulfilment of any condi time to time prescribed by the said Le further powers and authorities, or in a

Subject to control of general meetings. same respectively, or any of them; but exercised in accordance with and subj this Act in that behalf, and also to the of any general meeting specially con but not so as to render invalid any act

Proviso: as to real estate. prior to any resolution passed by such vided always that all real estate acq said Company in virtue of this Act, e sary for the use and occupation of the poses thereof, shall be sold and realiz

the Company at any period not later than one year from the acquisition of such real estate.

Directors may vote by proxy.

43. The Directors of the said Company may vote by proxy, such proxies being themselves Directors, and may be appointed according to the form in Schedule G of this Act, or to the like effect; but no Director shall act as proxy for more than three other Directors.

Exclusive powers vested in Shareholders at general meetings.

44. The following powers of the Company, that is to say, the choice and removal of the Directors, Auditors and Treasurer, the determination as to the remuneration of the Directors and of the Auditors, and the declaration of dividends shall be exercised at a general meeting of the Company.

Minutes, &c., of proceedings to be kept in books for the purpose.

45. The Directors shall cause notices, minutes or copies, as the case may require, of all appointments made or contracts entered into by the Directors, to be duly entered in books to be from time to time provided for the purpose, which shall be kept under the superintendence of the Directors, and every such entry shall be signed by the Chairman of the meeting at which the matter in respect of which such entry is made was moved or dismissed at or previously to the next meeting of the Company or directors, as the case may be, and a copy of such entry so signed shall be received as evidence in all Courts, and before all judges, justices, and others, without proof of such respective meeting having been duly convened or of the persons making or entering such orders or proceedings being shareholders or directors respectively, or of the signature of the chairman, all which last mentioned matters shall be presumed, and all such books shall at any reasonable time be open to the inspection of any of the shareholders.

Certified copies to be evidence.

Dividends not to reduce capital stock.

46. The Company shall not make any dividend whereby their capital stock may be reduced.

Before apportioning profits, Directors ma reserve a share for contingencies.

47. Before apportioning the profits aforesaid, the directors may, if they think fit, set aside thereout such sum as they may think proper to defray preliminary expenses and to meet contingencies, or for enlarging or improving the estate of the Company or any part thereof, or promoting the objects and purposes for which they are incorporated, and may divide the balance only among the proprietors.

Calls to be paid before dividends received.

48. No dividend shall be paid in respect of any share until all calls then due in respect of that or any other share held by the person to whom such dividend may be payable, shall have been paid.

Directors may appoint officers, solicitors, &c.

49. It shall be lawful for the Directors from time to time to appoint such and so many officers, solicitors and agents, either in this province or elsewhere, and so many servants as they deem

deem expedient for the management of
pany, and to allow to them such salar
may be agreed upon between them and
make such by-laws as they may think
regulating the conduct of the officers,
servants of the Company, and for prov
agement of the affairs of the Company
ever, and from time to time to alter and
and make others, provided such by-la
the laws of this Province or to the pro
such by-laws shall be reduced into
affixed thereto the common seal of the
such by-laws shall be given to every o
Company, and any copy or extract th
the signature of the secretary shall be
Justice in this Province of such by-law
and that the same were duly made, an
any action or proceeding at law, crimi
it shall not be necessary to give any ev
of the Company, and all documents p
with the seal of the Company, shall be
sealed with the seal of the Company.

Making By-laws for certain purposes.

Proof of By-laws; and of seal.

What shall be deemed sufficient notice to Shareholders.

50. With respect to any notice requ
Company upon the shareholders, it sha
mit the same by post directed according
or other known address of the shareho
as to admit of its being delivered in the
within the period (if any) prescribed
notice, and in proving such notice it sh
that such notice was properly directed
into the post office.

As to notices to be given by advertisement.

51. All notices required by this Act
tisement in a newspaper shall be signe
meeting at which such notice shall be
by the secretary or other officer of the
advertised in the *Canada Gazette* and i
as the directors shall order, unless othe
by this Act, and the same shall thereup
sidered the same as personal notices.

Document signed by one Director or the Secretary to be deemed authentic.

52. Every summons, demand or not
ment requiring authentication by the C
by one Director, and by the Secretary o
same may be in writing or in print, o
partly in print.

Directors may apply for Royal Charter or to register

53. It shall be lawful for the
Company when it shall have been
ing of the shareholders thereof, to ap
Royal Charter of Incorporation or an A

the United Kingdom of Great Britain and Ireland, for granting to the said Company the powers and authorities in Great Britain necessary for carrying on and accomplishing the undertaking authorized by this Act, or to register a memorandum of association, or articles of association, under the provisions of the Act of the Parliament of the United Kingdom, intituled, *The Joint Stock Companies Act of* 1856, for the purpose of more effectually carrying out the objects of this Act in this Province, or in any part of the United Kingdom of Great Britain and Ireland. Memorandum under Imperial Joint Stock Companies Act.

54. In this Act, the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say: words importing the singular number, shall include the plural number; and words importing the plural number, shall include the singular number; the word "month" shall mean Calendar month; the word "Secretary" shall include the word clerk; the word "lands" shall extend to messuages, lands, tenements and hereditaments of any tenure. Interpretation clause. Number. Month. Secretary. Lands.

55. This Act shall be deemed a Public Act, and shall be judicially taken notice of as such, and shall apply to Upper Canada only. Public Act.

Schedules referred to in the foregoing Act.

SCHEDULE A.

By virtue of an Act of the Legislature of Canada, passed in the year of the reign of Queen Victoria, intituled: *An Act to incorporate the Canada Landed Credit Company*, We, the said Canada Landed Credit Company, in consideration of the sum of dollars to us paid by A. B., of , do hereby grant to the said A. B., his heirs and assigns, all (*describe the premises*) together with all ways, rights and appurtenances thereto belonging; and all such estate, right, title and interest in and to the same as we the said Company are or shall become possessed of, or are by the said Act empowered to convey. To hold the said premises to the said A. B., his heirs and assigns for ever.

Given under the common seal, this day of in the year of our Lord, 185 .

SCHEDULE B.

By virtue of an Act of the Legislature of Canada, passed in the year of the reign of Queen Victoria, intituled: *An Act to incorporate the Canada Landed Credit Company*, I, A. B., of , in consideration of the sum of paid

paid to me by the said Canada Landed Credit Company, do hereby, pursuant to the said Act, convey to the said Company, their successors and assigns, All (*describe the property*), and all such estate, right, title and interest in and to the same, as I am or shall become possessed of. To hold the same to the said Company, their successors and assigns for ever, subject to redemption on payment to the said Company, their successors or assigns, of the said sum of ; at the time and in manner hereinafter mentioned, with interest thereon at the rate of for every hundred dollars by the year, payable half yearly, on the day of and the day of in every year: And the said A. B. for himself, his heirs, executors, administrators and assigns, hereby covenants with the said Company, their successors and assigns, that the principal money so advanced shall be repaid by means of the sinking fund under the management of the said Company, of two dollars per centum (*or other rate, but not to be less than* two per centum) for the period of years, or until the several sums so paid to the sinking fund, together with such interest thereon as the said Company shall allow to the said A. B. for the same, shall be equal to, and so shall have paid off the said principal money now advanced. The first payment to the said sinking fund shall be made on the day of , and on the same day in every succeeding year (*add any special powers that may be agreed on.*)

In witness whereof, I have hereunto set my hand and Seal, the day of , in the year of our Lord

SCHEDULE C.

CANADA LANDED CREDIT COMPANY.

No.

These are to certify that A. B. is proprietor of the share No. of the Canada Landed Credit Company, subject to the rules, regulations and orders of the said Company, and that the said A. B., his executors, administrators and assigns is and are entitled to the profits and advantages of such share.

Given under the common seal of the Company, the day of , in the year of our Lord .

SCHEDULE D.

I, , of , in consideration of the sum of paid to me by A. B. , of , do hereby assign and transfer to the said A. B. share (*or* shares) numbered , of and in the undertaking called the *Canada Landed Credit Company*,

Company, to hold unto the said A. B., his executors, administrators and assigns, subject to the same conditions as I held the same immediately before the execution hereof, and I, the said A. B., do hereby agree to accept and take the said share (*or* shares) subject to the same conditions.

As witness our hands and seals, the day of , in the year of our Lord, 185 .

SCHEDULE E.

CANADA LANDED CREDIT COMPANY.

Debenture No. Transferable $

Under the authority of an Act of the Province of Canada, Vic., cap. .

The President and Directors of the Canada Landed Credit Company promise to pay to or bearer, the sum of dollars on the day of , in the year of our Lord one thousand eight hundred and , at the Treasurer's office here, with interest at the rate of per cent. per annum, to be paid half yearly on presentation of the proper coupon for the same as hereunto annexed, say on the day of , and the day of , in each year, at the office of the Treasurer here (*or* at their Agent's in London.)

COUPON.

CANADA LANDED CREDIT COMPANY.

No. 1. $

Half yearly dividend due of 185 , on Debenture No. , issued by this Company on the day of , 185 , for $, at per cent. per annum, payable at the office of the Treasurer, Toronto, (*or* at the Company's Agents, London).

For the President and Directors.

A. B.

C. D.,
Secretary.

Dated at Toronto, the day of , 185 .

For the President and Directors of the Canada Landed Credit Company.

C. D., A. B.
Secretary.

SCHEDULE F.

I, A. B., of , one of the Shareholders of the Canada Landed Credit Company, do hereby appoint C. D., of , to be my proxy in my absence, to vote in my name upon any matter relating to the undertaking proposed at the meeting of Shareholders

Shareholders of the Company, to be held o
of next, in such manner as the s
proper.

Dated this day of , 185

Witness.

SCHEDULE G.

I hereby appoint , of
Directors of the Canada Landed Credit
proxy as Director of the said Company, a
vote for me at all meetings of the Direct
pany, and generally to do all that I coul
Director, if personally present at such me

Dated this day of , 18

CAP. CXXXI

An Act to amend the Act incorpora Canada Loan Company.

[*Assented to* 1

Preamble.
20 V. c. 166.

WHEREAS it has been found expedi passed in the twentieth year of intituled, *An Act to incorporate the W Company*, by reducing the amount of th twenty-five pounds to twelve pounds ten s further and other regulations in referen shares and for other purposes: Therefore, with the advice and consent of the Leg Assembly of Canada, enacts as follows:

Sect. 7 repealed.

1. The seventh section of the said Ac

Shares to be $50 each; and capital may be increased to $4,000,000.

2. The capital of the said Company s forty thousand shares, each of the value shillings, with power to increase the sai not exceeding one million pounds to be d tionate number of shares, according to increased capital.

Sect. 50 repealed.

3. The fiftieth section of the said Ac and in lieu thereof,—Be it enacted, that ev be entitled to one vote for every eight s

and no Shareholder shall be entitled to vote at any meeting unless he shall have paid all the calls then payable upon all the shares held by him. Votes: and how Shareholders may vote.

4. In addition to the powers in the said Act given to the Company, it shall be lawful for them to purchase, at such rates as may be agreeed on, Government or Municipal Debentures, and Mortgages on real Estate. Company may purchase debentures, &c.

5. In any Royal Charter or Act of Incorporation that may be obtained as provided for in the seventy-second section of the said Act, it shall be lawful to provide that the whole or any number of the Directors may be resident in Great Britain, and the business in this Province carried on by Commissioners or otherwise, as may be thought most desirable; but nothing herein or in the said Act contained shall be construed to render it imperative for the Directors to be resident in Canada, or to render Shareholders resident in Great Britain ineligible as Directors. Directors may be resident in Great Britain. Proviso.

6. This Act shall be deemed a Public Act. Public Act.

CAP. CXXXV.

An Act further to amend the Act incorporating the Metropolitan Gas and Water Company of Toronto.

[*Assented to* 16*th August*, 1858.]

WHEREAS it is desirable further to amend the Act passed in the sixteenth year of Her Majesty's Reign, and intituled, *An Act to incorporate a Company in the City of Toronto, to be called The Metropolitan Gas and Water Company*, by extending the time at which the said works must be in operation; And whereas the said Company having shewn by their Petition, that they hope shortly to be in a position to proceed vigorously with the works, so as to have them in operation by the year of Our Lord, one thousand eight hundred and sixty-one: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble. 16 V. c. 250.

1. The fifth section of the Act eighteenth Victoria, chapter two hundred and eighteen, amending the Act cited in the Preamble of this Act, is hereby repealed, and instead thereof it is enacted: That if the said works, or either of them, shall not be in operation before the expiration of three years from the passing of this Act, the said Act cited in the Preamble of this Act shall be void and of no effect. Sect. 5 of 18 V. c. 48, amended. Works to be in operation in three years from passing of this Act.

2. This Act shall be deemed a Public Act. Public Act.

CAP.

CAP. CXXXVI

An Act to incorporate Assumption Co in the Diocese of London.

[*Assented to* 16t

Preamble.

WHEREAS it has been represented t this Province, that the Roman C London has founded a College in the town the style and title of "Assumption College in full operation, with upwards of fifty pup College, and embracing all classical and c And whereas it would tend greatly to adva usefulness of the said College, and to prom which it was established, that it shoul Therefore, Her Majesty, by and with the of the Legislative Council and Assembly o follows:

Corporation established.

Name and members.

Appointment of successors.

1. There shall be and there is hereby co lished in the town of Sandwich, Diocese politic and corporate, under the name of "As which corporation shall consist of the Rom of London, the present Superior of the said and his successors in office, and the pres other members of the said College and office, which said Superior, Professors and the said College shall, in the event of their this Province, dismissal from office or resig by other persons to be appointed according may be framed under the authority of this and government of the said College, and s

Proviso: if all the members go out, Bishop to appoint successors.

ever; Provided always that in case of removal of the Superior and all Professor bers of the said College for the time being, Bishop of London shall appoint their succe

Corporate name and powers.

2. The said Corporation shall have pe and may have a common seal, with powe break and renew the same when and so think proper; and the said Corporation ma name, contract and be contracted with, implead and be impleaded, prosecute and all Courts and places whatsoever in this

By-laws.

have full power to make and establish such orders and regulations (not being contrary country or this Act) as they shall deem use well concerning the system of education in and government of the said College, and of a or school connected with or dependent on t

Corporation thereof, and for the superintendence, advantage and improvement of all property, moveable or immoveable, belonging to or which shall hereafter belong to the said Corporation; and shall have power to take under any legal title whatsoever, and to hold for the said College, without any further authority, license or letters of mortmain, such land and immoveable property as shall be required and necessary for the actual occupation of the said Corporation for the purposes of the said institution; Provided always, that the said College may acquire any other real estate or any interest therein by gift, devise or bequest, if made at least six months before the death of the party making the same, and the College may hold such estate for a period of not more than three years, and the same or any part or portion thereof, or interest therein, which may not within the said period have been alienated or disposed of shall revert to the party from whom the same was acquired, his heirs or other representatives; And provided also that the proceeds of such property as shall have been disposed of during the said period, may be invested in the public securities of the Province, stocks of Chartered Banks, mortgages or other approved securities for the use of the said College.

May hold personal property for certain purposes.

Proviso: corporation may take other real property on condition of parting with it within three years.

Proviso: as to investment of proceeds.

2. All property which shall at any time belong to the said Corporation, as well as the revenues thereof, shall at all times be exclusively applied and appropriated to the advancement of education in the said College, and to no other object, institution or establishment whatsoever not connected with or dependent on the same.

Exclusive application of revenues.

4. This Act shall be deemed a Public Act.

Public Act.

CAP. CXXXVII.

An Act to incorporate the Academy of St. Césaire.

[*Assented to* 16*th August*, 1858.]

Preamble.

WHEREAS a large number of the inhabitants of the Village and Parish of St. Césaire, in the County of Rouville, in the District of St. Hyacinth, have by their petition represented, that for the greater advantage of education, and to ensure the better working of an institution which has existed for several years at the said Village, under the designation of a Model School, it is desirable that the said Institution be incorporated under the name of the St. Césaire Academy, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Corporation constituted.

1. The Reverend Joseph André Provençal, Curé of the Parish of St. Césaire, William Henry Chaffers, Jean Baptiste Plamondon,

and of whom to be composed.

Plamondon, Louis Ouimet, Edouard Noiseux, School Commissioners of and Village and Parish of St. Césaire, and shall succeed them as Curé of the sa and School Commissioners as aforesaid be appointed or elected to the said offi long as they shall hold the same, shall stituted a body politic and corporate, in

Corporate name and powers.

the name of the "St. Césaire Academ name at all times hereafter contract chase, acquire, accept, receive, hold and and their successors for the use of or on

May hold real property for certain purposes;

poration, such lands, tenements and this Province, as shall be required and occupation of the said Corporation for Institution; and may sell and alienat

And take other real property on condition of parting with it in three years.

others in their stead, by any title whs Academy may acquire any other rea therein, by gift, devise or bequest, if m before the death of the party makin Academy may hold such estate for a p three years, and the same or any p interest therein, which may not within been alienated or disposed of, shall whom the same was acquired, his he

Proviso: as to investment of proceeds.

tives; And provided also, that the proc as shall have been disposed of during invested in the public securities of Chartered Banks, mortgages, or other

To make By-laws for certain purposes.

the use of the said Academy; And have full power and authority to such by-laws and regulations as the for the good government of the sai shall not be repealed or altered, manner and by such number of vot fixed when they are made and p meetings of the Corporation, which their Secretary-Treasurer, (who shall Secretary-Treasurer of the School Corp President and of two members of

To appoint officers, &c.

which meetings four members shall fo said Corporation shall have power to a to adopt such measures as may be education, for which purpose the Corp

Proviso.

Provided always that nothing in any su or measures as aforesaid, shall be inco or with the laws in force in this Provin

Ex officio Members of the Corporation may associate certain

2. The said Corporation shall also h to associate as Members thereof, the tw said Academy, with three other persons or so many of the said masters or pe

members of the said Corporation may think proper, so as to make the number of members of the Corporation not more than eleven, nor less than six; and such masters and persons shall be chosen every two years by the Curé and School Commissioners, who shall be the *ex officio* members of the said Corporation: Vacancies among such non-official members may be filled by the Corporation from time to time. persons with themselves as members.

2. Provided always that all the revenues and income of the said Corporation shall be applied exclusively to the support of the said Academy and the furtherance of education therein, and to the construction, improvement or repairing of the building required for the purposes of the Corporation, in such manner as the members shall consider best adapted to the said purposes. Exclusive application of funds to educational purposes.

4. By the said name of the St. Césaire Academy, the said Corporation may sue and be sued in all Courts of Law or Equity in this Province; and for the purposes of any such suit, the service of process shall be made on the President of the said Corporation, and not otherwise, and all suits by the Corporation shall be conducted by him in its name. Service of process, &c.

5. The members of the said Corporation may meet from time to time for the transaction of business; and at every such meeting a quorum shall be competent for the transaction of any business; and the said members shall yearly, at the Annual Meeting to be held in the month of July, or at the next meeting thereafter, elect one of their number to be the President of the said Corporation; and the Corporation shall have power to appoint masters in the said Academy, and such other officers and servants as may be necessary, and to fix their remuneration, and from time to time to remove any of them and appoint others in their stead. Meetings of the Corporation: election of President, &c.

6. The said Corporation shall make to the Governor, in the month of January, a Return shewing the real and personal property held by it under this Act, with a list of the members of the Corporation, a copy of its By-laws and a Statement of the course of study followed in it. Annual return to the Governor.

7. This Act shall be deemed a Public Act. Public Act.

CAP. CXXXVIII.

An Act to incorporate the Sf. Andrew's Society of Montreal.

[*Assented to* 16*th August*, 1858.]

WHEREAS Alexander Morris hath, by Petition to the Legislature, represented that the Association known as the St. Andrew's Society of Montreal, has for many years been formed Preamble.

formed for the benevolent purposes
medical and other relief, to such nati
descendants, as may from sickness or
into distress, and of aiding, directing
sities of Scottish immigrants on their
have, for the said purposes, opened an
in the City of Montreal, known as
and which is used for the said purpose
for the better attainment of the objects
it may be invested with corporate po
the good effected by the Association,
the prayer of the said petition: The
and with the advice and consent of
and Assembly of Canada, enacts as fol

Incorporation. Corporate name and general powers.

1. The said Alexander Morris, and
David Brown, William Murray, Ewen M
and George Templeton, and such oth
members of the said Association or
members thereof, under the provisions
By-laws made under the authority there
shall be and they are hereby constitu
corporate by the name of the "St. And
real," and may by that name sue and
be impleaded, answer and be answer
fended, in all Courts of Law and place
that name they and their successors sh
cession, and may have a common seal, a
alter or renew the same at pleasure, an
purchase, take, receive, lease or let, hol
estate as may be required for the actual
corporation, and to alienate, sell, conve
dispose of the same, or any part thereof, f
as occasion may require, and to acquire
provided always, that the said corporat
other real estate or any interest therein by
if made at least six months before the
making the same, and the corporation
for a period of not more than three yea
any part or portion thereof, or interest the
within the said period have been alienat
shall revert to the party from whom the
his heirs or other representatives; and p
proceeds of such property as shall have bee
the said period may be invested in the pu
Province, stocks of chartered banks, mo
proved securities for the use of the said Co

May hold real estate for certain purposes; and other real estate on condition of parting with it in three years.

Proviso: as to investment of proceeds.

Committees of Management, &c.

2. The affairs and business of the sai
be managed by a Committee of Managem
President, a first and second Vice-Presider
Assistant Secretary, a Treasurer, two Cha

Physicians, five Managers, who shall be a Charitable Committee, and a Committee of Accounts, composed of five members, who shall be Auditors, and a Committee of Instalment, composed of two members, to be elected annually, at a General Meeting of the Members of the Corporation, held in conformity to the By-laws thereof; and any five Members of the said Committee shall be a quorum for the dispatch of business. Annual election of. Quorum.

3. All deeds sealed with the common seal of the Corporation, and signed by the President or Vice-Presidents, and by some other Member of the Committee of Management, and countersigned by the Treasurer, and none other, shall be held to be Deeds of the Corporation; provided always, that the Treasurer, for the time being, may receive all moneys payable to the Corporation, and grant valid receipts therefor. Deeds of the Corporation. Proviso.

4. It shall be lawful for the said Corporation to make By-laws, for the admission and expulsion of members and for the proper administration of the property and affairs of the Corporation, and to repeal or amend the same, from time to time; and such By-laws and amendments shall be proposed and seconded at a previous Quarterly Meeting. No number of Members, less than thirty-six Members of the Corporation (including the presiding Officer) shall form a Meeting for the purpose of altering such By-laws, nor shall any alteration be made therein, unless two thirds of the Members present agree to it. Power to make By-laws. Amendment of By-laws.

5. The Annual and General Meetings of the said Corporation shall be held in such manner, after such notice, upon such requisition, and at such times, in the city of Montreal, as shall be directed by the By-laws of the Corporation. Annual general meetings.

6. The By-laws of the said Association, in so far as they may not be repugnant to this Act or the Laws of this Province, shall be the By-laws of the Corporation hereby constituted until they shall be repealed or altered as aforesaid; provided always, that no By-law shall impose a penalty or forfeiture exceeding two dollars. Present By-laws in force until altered. Proviso.

7. Until others shall be elected, according to the By-laws of the Corporation, the present Officers of the Association shall be those of the said Corporation, that is to say: Alexander Morris, President; the said David Brown shall be the first Vice-President; the said William Edmondstone shall be the second Vice-President; the said William Murray shall be the Treasurer; the said Ewen McLennan shall be the Secretary; the said George Templeton, Assistant Secretary; the Reverend William Snodgrass and the Reverend Alexander Ferrie Kemp, shall be the Chaplains; G. W. Campbell shall be the Physician; and the present Officers thereof shall be Members of the Charitable Committee, and of the Committee of Accounts respectively. Present officers continue until others are elected.

8.

Witnesses in suits where the Corporation is a party.

8. No person otherwise competent t suit, action or prosecution in which the be engaged, shall be deemed incompete by reason of his being or having been s the said Corporation.

Recovery of subscriptions, &c.

9. All subscriptions of members d under any By-law, all penalties incurre any person bound thereby, and all othe the Corporation, shall be paid to the T default of payment may be recovered in him in the name of the Corporation, in civil jurisdiction; Provided always, th tained shall be construed to prevent a drawing at any time from the said Cor of all arrears due to the funds thereo subscription for the year then current writing of such withdrawal.

Proviso.

Statement of accounts to be published.

10. The said Committee of manag the month of December, insert in some the city of Montreal, a statement of th and property, debts and liabilities of the by the Treasurer and two or more of any General Meeting of the Corporation

Saving of H. M's. rights, &c.

11. Nothing in this Act shall affect jesty, Her Heirs or Successors, or any p ever, such rights only excepted as are tioned and affected.

Public Act.

12. This Act shall be deemed a Pub

CAP. CXXX

An Act to explain and amend th *Act to enable the Members of th England and Ireland in Canada*

[*Assented to*

Preamble.

WHEREAS doubts exist whether i Session held in the nineteenth and

12, 20 V. c. 121.

Majesty's Reign, intituled, *An Act to the United Church of England and meet in Synod*, sufficient provision is sentation of the Laity of the United Ireland in the Synods by the said Act and it is expedient that such doubts shou fore, Her Majesty, by and with the ad Legislative Council and Assembly follows:

1. For all the purposes of the aforesaid Act, the Laity shall meet by representation; and until it shall be otherwise determined by the Synod in each Diocese, one or more delegates (not exceeding three in any case,) may be elected at the annual Easter meetings in each parish, mission or cure within the diocese, or in cases where there may be more than one congregation, in any parish, mission or cure, then in each such congregation or at meetings to be specially called for the purpose by each Clergyman having a separate cure of souls; And all laymen within such parish, mission or cure, or belonging to such congregation, of the full age of twenty-one years, who shall declare themselves, in writing, at such meetings, to be members of the United Church of England and Ireland, and to belong to no other Religious denomination, shall have the right of voting at such election. Each Delegate shall receive from the Chairman of the meeting a certificate of his election, which he shall produce, when called upon so to do, at the Synod; and the first meeting of such Synod shall be called by the Bishop of the Diocese at such time and place as he shall think fit; Provided always, that no business shall be transacted by the Synod of any Diocese unless at least one fourth of the Clergy of such Diocese shall be present, and at least one fourth of the Congregations within the same be represented by at least one Delegate.

Lay Delegates to be chosen at Annual Easter Meetings, or at special meetings called by the Clergymen in each parish or cure.

Who may vote.

Credentials of Delegates.

Proviso: quorum for diocesan Synod.

2. All proceedings heretofore had in any Diocese under the aforesaid Act, which have been conformable to the provisions of this Act, shall be held to be valid, as if the same had taken place after the passing of this Act.

Proceedings heretofore had in conformity with this Act, legalized.

CAP. CXL.

An Act to authorize William McIntosh, of the Village of Newcastle, to sell, or otherwise dispose of a certain lot of land in the said Village of Newcastle.

[*Assented to* 16*th August*, 1858.]

WHEREAS William McIntosh, of the Village of Newcastle, in the Township of Clarke and County of Durham, merchant, has presented his petition stating, amongst, other things, that the father of the said William McIntosh, William McIntosh, formerly of Newcastle aforesaid, departed this life in the year of our Lord, one thousand eight hundred and forty-nine, having, while residing at the Township of Darlington, which he did prior to residing at Newcastle, made and executed his last will and testament, bearing date the thirtieth day of April, in the year of our Lord, one thousand eight hundred and forty-two, by which said last will and testament the said William McIntosh did among other devises, devise to the said William McIntosh, the petitioner, the north three-quarters

Preamble.

Case recited.

three-quarters of lot number twenty-eight, in the Second Concession of the Township of Clarke, in the County of Durham aforesaid, containing one hundred and fifty acres of land, and now forming part of the Village of Newcastle aforesaid, to hold to the said petitioner, William McIntosh, for the term of his natural life, and from and after his natural life, to the first and all and every the son and sons of the said petitioner and the eldest son and sons of the said son and sons, and afterwards, in default of sons, to the daughters of the said petitioner, and to the eldest son and sons of such daughters, and in default of both sons and daughters, to the other sons and daughters of the said testator and their sons and daughters; That the Village of Newcastle has, since the death of the said testator, greatly increased in size and population, and promises still to increase greatly both in size and population, and that the south quarter of the said lot has been wholly laid out in village lots is now wholly built on and inhabited, and if the devisee could sell the said three quarters in fee it would also be wholly built on; That the said devisee is unmarried, and has neither sons nor daughters; That the said land as devised is almost valueless, and its being so entailed is also a serious injury to the inhabitants of the village and the village itself, impeding the growth thereof greatly; And whereas the said petitioner has prayed that he may have power and authority to hold the said land in fee simple, with power to sell, or otherwise dispose of the same freed and discharged from the limitations, restrictions or remainders created by the said Will; And whereas it is expedient, under proper restrictions, to grant the prayer of the said petitioner: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

W. McIntosh and a trustee to act with him, may dispose of the lands and invest the proceeds for the purposes of the entail.

1. William McIntosh, of the Village of Newcastle, in the County of Durham and Province of Canada, merchant, together with the person to be appointed as hereinafter mentioned, and designated as a Joint Trustee with the said William McIntosh, the petitioner, for the purposes of this Act, shall have full power and authority jointly to sell and alienate in lots the north three-quarters of lot number twenty-eight, in the second concession of the Township of Clarke aforesaid, in fee simple, and to give proper conveyances thereof, and to receive the consideration money for such sale, and in case of sales on time to take mortgage and to invest the consideration money in good and sufficient securities, in such manner that the interest may be received and used by the said William McIntosh, during his lifetime, and by those entitled to the same after his decease, while the entail shall subsist, and the capital shall be paid to such parties as may be entitled to the same after the entail has ceased to subsist.

Trustee to be appointed by

2. It shall and may be lawful to and for the Judge of the County Court of the United Counties of Northumberland and Durham,

Durham, or one of the Judges of the Superior Courts at Toronto, on the petition of the said William McIntosh, the petitioner, to appoint, by writing under his hand and the seal of the Court, which authority shall be registered in the registry office for the County of Durham, a fit and proper person to be joint trustee with the said William McIntosh, the petitioner, for the purposes of this Act, and in case of such or any joint trustee dying or becoming unable or unwilling to act or resigning, to appoint a new trustee in the place and stead of the one so dying or becoming unable or unwilling to act or resigning aforesaid. the County Judge or a Judge of the Superior Courts.

3. This Act shall be deemed a Public Act. Public Act.

CAP. CXLI.

An Act to authorize a deviation from the Laws of Lower Canada, as regards certain substitutions created by the Will of the late Dame Ann Wragg.

[*Assented to* 16*th August*, 1858.]

WHEREAS George Platt, John Platt, Henrietta Geddes and Emma M. Crawford, all of the City of Montreal, have by their Petition set forth that the said George Platt is rightfully and lawfully seized of, and possesses and enjoys the properties hereinafter described as tenant in possession (being also executor) under the last Will and Testament of the late Dame Ann Wragg, widow of the late John Platt, of the City of Montreal, Esquire, bearing date the twelfth day of July, one thousand eight hundred and thirty-seven, and executed before I. J. Gibb and colleague, Notaries Public, and have prayed that legislative provision may be made for the sale of the said properties; And whereas it is expedient to grant the prayer of the said Petition, and for that purpose to authorize, in this particular case, a deviation from the laws of that part of the Province of Canada called Lower Canada, relating to substitutions, as regards the said properties, in order to give relief to the tenant in possession, and to afford him the means of support, as well as the means of support for the substitutes, as expressed and intended in and by the last Will and Testament creating such substitution: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. The following properties in the City of Montreal, together with their buildings, members and appurtenances, to wit: That certain property forming the north corner of Sherbrooke and Durocher Streets, and bounded on the south-east side by Sherbrooke Street aforesaid, on another side to the south-west by Durocher Street aforesaid, on another side to the north-west by property of John Frothingham, Esquire, and on the other side Certain property of the estate may be sold.

side to the north-east by property of the Heirs Hutchison, and William Lunn, Esquire; and that certain other property forming the corner of Wellington and Grey Nuns Streets, St. Ann's Suburb, bounded on one side to the north-east by Grey Nuns street aforesaid, and on another side to the north-west by Wellington Street aforesaid, on another side to the south-east by representatives of J. H. Lambe, and on the other side to the south-west by Zeno Clarke, may be sold, hypothecated or exchanged, in whole or in part, to increase the revenues of the tenant in possession, and for the after benefit of the substitutes to the said property, to wit: the whole of either property, and with the proceeds thereof to build upon the other; or, any part or portion of either or both of said properties, and with the proceeds thereof to build upon the other, or unsold part or portion of either or both of the said properties; or both the said properties, and with the proceeds thereof to buy another property or properties with or without buildings, and if without buildings to build thereon; and the said new property or properties, and the rents, issues, interests, revenues and profits thereof to be subject to the aforesaid last Will and Testament.

And the rest improved with the proceeds.

Assembly of relations and friends and election of a tutor.

And to carry out the aforesaid purposes, a Petition shall be presented by the Tenant in possession, to one of the Judges of the Superior Court in the District of Montreal, who is hereby appointed to act in the premises, and hereby fully authorized for all and every the effects, intents and purposes hereof, praying him to call a meeting of the seven nearest relations of the substitutes born at and living at the time; or in default of relations or their failing to attend, of a similar number of the friends of the substitutes; the said relations or friends shall be summoned by an order of the Judge to that effect to meet at some particular place and time, and proof of such summons must be made by the return of a Bailiff of the Court in which the said Judge holds his seat, or of a Notary Public.

Election of tutor.

Upon the day appointed for holding the meeting of the relations or friends of the substitutes, if the seven relations or friends so summoned shall not attend and be present, it shall be and hereby is made lawful to supply the deficiency by calling in strangers; such strangers to be subject to the approval of or rejection by the said Judge; and when and after the number is completed, the Judge shall proceed to receive the advice of the meeting in the manner usual at meetings for the appointment of Tutors; and the said Judge is hereby invested with power sufficient to appoint a Tutor on behalf of and to act for the substitutes, and the said Judge shall be guided by the law for the ordinary appointment of Tutors. The Tenant in possession, being the Father, may be Tutor if recommended by the said *assemblée de parents*.

Responsibility of tutor; &c.

The Tutor so appointed shall be responsible for his management, and for any acts prejudicial to the substitutes, or any acts

acts of negligence; and from the day of his acceptance of the Tutorship, a legal hypothec, special and general, shall exist upon his property; and in case of any refusal to accept such appointment of Tutor, or to act after acceptance thereof, the Tenant in possession is hereby named Tutor instead, without form and with all the powers.

Tenant in possession may be tutor, &c.

Within ten days of the appointment of a Tutor, as in either case provided as aforesaid, the same shall be registered.

Registration.

The Judge's decision shall set forth:

1. The extent and designation of the real estate to be alienated, exchanged, hypothecated or sold;

What the Judge must determine.

2. The minimum price for which it may be so alienated, sold and hypothecated;

3. The description of the improvements, and the maximum sum to be paid therefor;

4. The length of time to be advertised, and in what newspapers.

The sale shall be public, and shall take place in a reasonable time after the date of the Judge's authorization and after duly advertising, and the property shall be sold to the highest bidder above the price mentioned by the Judge, for cash or on usual time; and the sale shall be conducted in a similar manner and as customarily done in public sales of property.

Sale of the property.

The purchase money shall be paid to the Tutor and Tenant in possession, who shall grant receipt therefor.

Payment.

2. This Act shall apply to the said properties or any part thereof, now holden by the Tenant in possession under the said Will, only until but not after the alienation, hypothecation, exchange or sale thereof, or any part thereof; the sale hypothecation, exchange or alienation thereof or any part thereof, under and by authority of this Act, shall carry with it a clearance and release of and from the said substitution; but in case of building up or improving said property or properties, the one with the proceeds of the other, or part or parts thereof, and when the same shall have been made, completed and finished, then the office, duties and responsibilities of the Tutor shall cease and determine, and the said property, as improved, altered and built up as aforesaid, or any new property bought with the proceeds of the sale of the aforesaid property or of any part thereof, with all the buildings, members and appurtenances, rents, issues and profits, shall be held and enjoyed by the Tenant in possession and his substitutes, and be subject to the same conditions, restrictions and limitations, as if held under

Act to apply to one sale only of the property.

And improvements or new property to be bound by the substitution.

and originally affected by the said Will and *contrat de mariage* of the said Tenant in possession.

Public Act. 3. This Act shall be deemed a Public Act.

CAP. CXLII.

An Act to confirm the titles of purchasers and mortgagees of lands and hereditaments in Upper Canada, under the marriage settlement of John Stewart Lyon and Mary Theresa Dickson.

[*Assented to 16th August*, 1858.]

Preamble. Case recited. WHEREAS John Stewart Lyon, of Kikmichael, in the County of Dumfries, North Britain, and Mary Theresa, his wife, Thomas Bushby, of the same County, a Captain in Her Majesty's Royal Navy, George Lyon, of Dabruscan, in the same County, Esquire, Isaac Bayley, of Mannel, in the County of Sterling, in North Britain, Esquire, and John Ewart, of the City of London, in England, Esquire, have, by their Petition, represented as follows: That by Indenture of Lease, and Assignment and Release, dated the Eighth and Ninth days of November, one thousand eight hundred and thirty-six, the Assignment and Release made between the said Mary Theresa Lyon, by her then name and description of Mary Theresa Dickson of Queenston, in the Province of Upper Canada, Spinster, of the first part; the said John Stewart Lyon, of the second part; Walter Dickson, Richard Mackenzie, the said Thomas Bushby, George Lyon and Isaac Bayley, of the third part; by which after reciting, amongst other things, that a marriage had been agreed upon, and was intended to be had and solemnized, between the said John Steward Lyon and Mary Theresa Dickson, it is witnessed, that the said Mary Theresa Dickson, for the considerations therein mentioned, did, with the privity and approbation of the said John Stewart Lyon, convey the messuages or tenements, lands and hereditaments mentioned and described in the Schedule thereunto annexed, and also all other her messuages or tenements, lands and hereditaments (if any) situate, lying and being in the then Province of Upper Canada, or any dependencies thereof, or elsewhere in His then Majesty's American Colonies, with the appurtenances (save and except such as were held by way of mortgage) unto the said Walter Dickson, Richard Mackenzie, Thomas Bushby, George Lyon and Isaac Bayley, their heirs, executors, administrators and assigns respectively, to the use of the said Mary Theresa Dickson until the said intended marriage, and after the solemnization thereof, to the use of them the said Walter Dickson, Richard Mackenzie, Thomas Bushby, George Lyon and Isaac Bayley, their heirs, executors, administrators and assigns for ever,—Upon trust at such time or times during

during the lives of the said John Stewart Lyon and Mary Theresa Dickson, and of the survivor of them as they or the survivor should by any writings under their, his or her hands or hand, direct or appoint, and after the decease of such survivor, then at such time or times as to the trustees or trustee for the time being of the said indenture should seem expedient, to sell and dispose of the same in manner therein mentioned, and it was by the said indenture declared that the said trustees should stand possessed of the money to arise and be produced by the said sales and also of the rents and profits of the said hereditaments until sold, upon the trusts and for the ends, intents and purposes, and subject to the powers, provisoes, agreements and declarations as were or should be expressed and declared concerning the same, by an Indenture of Settlement then already prepared, and bearing even date with the Indenture in recital (being the settlement made on the marriage of the said John Stewart Lyon and Mary Theresa Dickson), and made between the said Mary Theresa Dickson, of the first part; the said John Stewart Lyon, of the second part; and the said Walter Dickson, Richard Mackenzie, Thomas Bushby, George Lyon and Isaac Bayley, of the third part: and that by the same Indenture of Release and Assignment, the said Mary Theresa Dickson, with the like privity and approbation of the said John Stewart Lyon, conveyed and assigned all the messuages, lands, tenements and hereditaments situate in Upper Canada aforesaid, or elsewhere soever, to which she was entitled as a mortgage in fee, or for any term or terms of years, or other estate, term or interest, together with the principal moneys and interest secured thereon, and full power and authority to recover, receive and discharge the same, unto the said Walter Dickson, Richard Mackenzie, Thomas Bushby, George Lyon and Isaac Bayley, their heirs, executors, administrators and assigns respectively, (subject to the subsisting equities of redemption therein), upon and for the trusts, intents, and purposes, and with, under and subject to the powers, provisoes, declarations and agreements thereinafter expressed or referred to, of and concerning the same, being the same trusts as are by the said Indenture of Settlement declared of and concerning the moneys that are to arise from the sale of the lands and hereditaments aforesaid; That the said Richard Mackenzie, by deed poll under his hand and seal, dated the Fourth day of July, one thousand eight hundred and thirty-seven, renounced and disclaimed the trust estates intended to have been vested in him by the said in part recited Indenture: That, by a certain Indenture, dated the Fourteenth day of June, one thousand eight hundred and forty-two, indorsed upon a certain other Indenture, dated the Ninth day of November, one thousand eight hundred and thirty-six, being an assignment of certain stocks, funds and personal securities upon the trusts of the said Indenture of Settlement, and made between the said John Stewart Lyon, and Mary Theresa, his wife, of the first part; the said Walter Dickson, Thomas Bushby, George Lyon and Isaac Bayley,

Bayley, of the second part; the
third part; and William Gordon,
the City of London, Gentleman, o
John Ewart was duly appointed
lar the messuages, lands, tenem
property, funds, moneys, and pre
said Indenture of Settlement mentio
of the said Walter Dickson, in all
Ewart had been originally nominat
the said trust property and funds,
shares, debentures, debts and othe
(and which are set forth in the se
the power of attorney in the said
to), and all and singular other sum
funds, securities, debts and person
ever which were then held by or ve
Dickson, Thomas Bushby, George
under or by virtue of the said inden
said William Gordon, upon trust tha
and transfer the same unto the sa
Lyon, Isaac Bayley and John Ewa
trators and assigns, to be held by
said indenture of settlement, and
Gordon accordingly, by deed poll
June, one thousand eight hundred
dorsed upon the said indenture of
one thousand eight hundred and t
said Thomas Bushby, George Ly
Ewart, their executors, administra
certain indentures of Lease and R
tively, the thirteenth and fourteenth
eight hundred and forty-two, the r
the said Walter Dickson, Thomas
Isaac Bailey, of the first part, the s
second part, and the said Thomas B
Bayley and John Ewart, of the
amongst other things, that there w
the enumeration of the lands and he
annexed, or written under the said
ninth day of November, one thousa
six, and that since the date and ex
said hereditaments had been sold ar
Schedule to the Indenture of relea
lieved to contain a true and correct
said trust lands and hereditament
first day of December, one thousa
one; It is by the indenture of releas
that by force and virtue and in ex
power and authority for that purpo
release of the ninth day of Novemb
dred and thirty-six, given or limite
Walter Dickson, Thomas Bushby

releases, deeds and conveyances thereof; And whereas it is expedient to grant the prayer of the said petition: Therefore, *Her* Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain sales, mortgages and releases by the Attornies of Messrs. Bushby, Lyon, Bayley and Ewart, to be as valid as if made by the said parties themselves on the express direction and appointment of J. S. Lyon and his wife with respect to every sale or release.

1. The right, title, interest, property, possession, benefit, claim and demand of the several parties who have become the respective purchasers of the said lands and hereditaments situate in Upper Canada, and of all parties claiming by, from, through, under, or in trust for them, so far as such right, title, interest, property, possession, claim and demand can or may be impeached or affected under or by reason of any act or deed made, done or executed by the said Thomas Bushby, George Lyon, Isaac Bayley, and John Ewart, or by the said John Hamilton, Gilbert McMicken and Jacob Keefer, or any or either of them, as the attorneys or attorney of them the said Thomas Bushby, George Lyon, Isaac Bayley and John Ewart; and all sales and releases which have been made, and all deeds and conveyances which have been executed by the said Thomas Bushby, George Lyon, Isaac Bayley, and John Ewart, by their said Attorneys, or any or either of them, shall be as valid and effectual to all intents and purposes whatsoever, as if the said John Stewart Lyon and Mary Theresa, his wife, had by writing under their respective hands directed and appointed each separate sale and release according to the exigency or supposed exigency of the trusts contained and declared in and by the said indenture of release and assignment of the ninth day of November, one thousand eight hundred and thirty-six, and as if the said Thomas Bushby, George Lyon, Isaac Bayley and John Ewart had themselves sold and disposed of and released the same lands and hereditaments respectively, and had in their own proper persons and under their own respective hands and seals made and executed the deeds of conveyance and release of the same respectively, to the several purchasers and mortgagees thereof respectively, and their respective heirs and assigns.

Public Act.

2. This Act shall be deemed a Public Act.

CAP.

CAP. CXLIII.

An Act to authorize the Court of Chancery, and the Courts of Queen's Bench and Common Pleas, in Upper Canada, to admit Shubael Park to practise as a Solicitor and Attorney.

[*Assented to 16th August, 1858.*]

Preamble.

Act 20 V. c. 63,

Shubael Park's case stated.

WHEREAS by an Act of the Legislature of Canada, passed in the twentieth year of Her Majesty's Reign, intituled, *An Act to amend the law for the admission of Attorneys*, it is amongst other things enacted, that from and after the passing of the said Act, no person shall act as an Attorney or Solicitor in Her Majesty's Court of Chancery, or Courts of Queen's Bench or Common Pleas, or in any County Court in Upper Canada, without complying with certain conditions and restrictions thereinafter mentioned; And whereas it appears by the petition of Shubael Park, of the City of Hamilton, in the County of Wentworth, and Province of Canada, Gentleman, that the petitioner has been duly called and admitted to the practice of the law, as Barrister, in Upper Canada, and has duly taken the oath of allegiance in accordance therewith; And whereas it also appears that he was duly articled for one year as an attorney's clerk to Walter Graham, in the Town of Simcoe, in the County of Norfolk, then a practising Attorney and Solicitor, respectively, for the Courts of Law and Equity in and for Upper Canada; that the petitioner's articles were at the end of the said year duly assigned to George Sylvester Tiffany, of the City of Hamilton, in the County of Wentworth, then, another Attorney as aforesaid; and that the said petitioner was, in accordance therewith, duly articled to the said George Sylvester Tiffany for the further term of two years; that the said articles, at the expiration of the said two years, were duly assigned to Samuel Black Freeman, another Attorney as aforesaid, of the said City of Hamilton; that the petitioner was duly articled to the said Samuel Black Freeman for the further term of over two years, making the whole term of the petitioner's service under articles over five years; that the said Walter Graham and George Sylvester Tiffany are both since deceased, and that the said articles and transfers have since been lost; And whereas the said petitioner is desirous of practising as an Attorney and Solicitor, respectively, in the said Courts of Law and Equity in Upper Canada, and it is expedient to relieve him from the disability of the said Act: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Courts of Law and Equity in

1. It shall and may be lawful for the Courts of Queen's Bench and Common Pleas in Upper Canada, in their discretion, and

and after the usual examination, to admit the said Shubael Park, without production of certificates, attendance during the sittings of either of the Courts during term time, production, filing or enrollment of articles or further servitude or oath of allegiance, to practise as an Attorney of the said Courts; and it shall also be lawful for the Court of Chancery in Upper Canada aforesaid, in its discretion, and after the usual examination, to admit the said Shubael Park to practise as a Solicitor in the said Court of Chancery, without production of certificates, attendance during the sittings of either of the Courts during term time, production, filing or enrollment of articles or further oath of allegiance or servitude as aforesaid, any law or usage to the contrary notwithstanding.

U. C. may in their discretion admit S. Park to practise as an Attorney, &c.

2. This Act shall be deemed a Public Act.

Public Act.

TORONTO:—Printed by S. DERBISHIRE & G. DESBARATS,
Law Printer to the Queen's Most Excellent Majesty.

1858.—22 VICTORIÆ.

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STATUTES

OF THE

PROVINCE OF CANADA

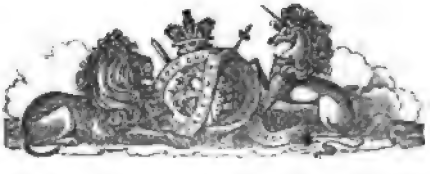
PASSED IN THE 1859

TWENTY-SECOND YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA

AND IN THE SECOND SESSION OF THE SIXTH PARLIAMENT OF CANADA.

Begun and holden at Toronto on the Twenty-Ninth of January, in the year of Our Lord One Thousand Eight Hundred and Fifty-Nine.



HIS EXCELLENCY

THE RIGHT HONORABLE SIR EDMUND WALKER HEAD, BARONET,

GOVERNOR GENERAL.

TORONTO:
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Anno Domini, 1859.

ANNO VICESIMO-SECUNDO

VICTORIÆ REGINÆ.

CAP. I.

An Act respecting the Provincial Debt guaranteed by the Imperial Government.

[*Assented to 26th March*, 1859.]

Preamble.

WHEREAS Her Majesty's Government in England have consented to the reduction hereinafter mentioned on the yearly rate of the payments to the Sinking Fund for paying off the Provincial debt of one million five hundred thousand pounds sterling, guaranteed by the Government of the United Kingdom under the provisions of the Act of the Parliament thereof passed in the session held in the fifth and sixth years of Her Majesty's Reign, and intituled, *An Act for guaranteeing the payment of the interest on a Loan of one million five hundred thousand pounds to be raised by the Province of Canada*, and have agreed to certain other arrangements with respect to the said loan advantageous to this Province, to which it is desirable to give the sanction of the Provincial Legislature: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Amount payable yearly to the Sinking Fund under 10, 11 V. c. 2, reduced.

1. Notwithstanding any thing to the contrary in the Act of the Legislature of this Province, passed in the session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to facilitate the issue of Debentures, and for other purposes therein mentioned*, or in any other Provincial Act, the sum to be set apart by the Governor in Council out of the Consolidated Revenue Fund of this Province, yearly and in every year until the whole amount of the said debt shall be paid off, and to be applied as a Sinking Fund for paying off the said debt, shall be such sum as will be equal to two per centum on the amount of the said debt, instead of four per centum on the said amount as provided by the said Act, the other provisions whereof shall apply to such reduced percentage as they have heretofore applied to the said rate of four per cent.

Premium received on guaranteed Debentures renewed, to go to Sinking Fund.

2. If upon any of the Debentures forming part of the said debt which may hereafter be renewed with the guarantee of the Imperial Government, for such term as may be necessary for their redemption by the operation of the said Sinking Fund as modified by this Act, any premium shall be received by this Province by reason of such renewal, such premium shall be paid into the said Sinking Fund.

A higher rate may be agreed on and paid as the debt is reduced.

3. Provided always, that as the said debt is from time to time reduced by the redemption of Debentures forming part thereof, the Governor in Council may agree with the Lords Commissioners of Her Majesty's Treasury for the payment into the said Sinking Fund of such increased percentage on the portion of the said debt then unpaid, as will, after allowing for such renewal as aforesaid, ensure the sufficiency of the said Sinking Fund to pay off the said debt when due; and such increased percentage shall be paid accordingly out of the Consolidated Revenue Fund of this Province.

CAP. II.

An Act to amend the Act relating to Duties of Customs.

[*Assented to 26th March*, 1859.]

Preamble.

WHEREAS it is expedient to amend the Tariff of Customs Duties now in force, in the manner hereinafter mentioned: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Schedule of duties under 22 V. c. 76, repealed.

1. The Schedule to the Act passed in the twenty-second year of Her Majesty's Reign, Chapter Seventy-six, intituled, *An Act to amend the Law relative to Duties of Customs and of Excise, and to impose new duties; and a duty on Tavern-keepers*, containing the Table of Duties of Customs inwards, the Table of Exemptions and the Table of Prohibitions, shall be repealed upon, from and after the day of the passing of this Act,—Except so much of the said Schedule as imposes or relates to the Duties on Sugar of any kind, or Molasses, which shall remain in force until the First day of June, One thousand eight hundred and fifty-nine, and shall be repealed on that day,—when the duties imposed on the said articles by the Schedule to this Act shall be levied,—And except also, so much of the said Schedule as imposes or relates to the Duties on Green Coffee and Tea, which shall remain in force until the First day of January, One thousand eight hundred and sixty, and shall be repealed on that day, when the duties imposed on the said articles by this Act shall be levied.

Except those on Sugar, until 1st June, 1859.

And those on Tea, until 1st January, 1860.

2. Subject to the exceptions in the next preceding section,— In lieu and instead of the Duties of Customs imposed by the Schedule and Act first above mentioned, and of all other Duties of Customs upon goods, wares and merchandize imported into this Province, there shall be raised, levied, collected and paid unto Her Majesty, Her Heirs and Successors, upon goods, wares and merchandize imported into this Province, or taken out of warehouse for consumption therein,—the several Duties of Customs respectively described inserted and set forth in the Schedule to this Act annexed, intituled: *Table of Duties of Customs inwards*;—and the articles enumerated or mentioned in the Table in the said Schedule, intituled, *Table of Free Goods*, may be imported or taken out of warehouse without payment of any Duty of Customs under this Act :—And the articles enumerated or mentioned in the Table in the said Schedule, intituled, *Table of Prohibitions*, shall not be imported into this Province, under the penalty therein mentioned, and if imported, shall be forfeited and forthwith destroyed :

Duties in the Schedule to this Act to be levied hereafter—except as aforesaid.

Free Goods.

Prohibitions.

But this Act shall not affect the *Copyright Act*, thirteenth and fourteenth Victoria, Chapter six,—or any duty imposed under it.

13, 14 V. c. 6, not to be affected.

3. And in amendment of the eighth section of the Act above mentioned, it is enacted, That the articles upon which, and the cases in which, any drawback shall be payable under the said Section, shall be those only upon and in which the Governor in Council shall, by the Regulations to be from time to time made, declare such drawback to be payable.

Sect. 8 of 22 V. c. 76, amended.

4. The foregoing provisions of this Act shall be construed as forming one law with the Act passed in the session held in the tenth and eleventh years of Her Majesty's reign, chaptered thirty-one, and intituled, *An Act for repealing and consolidating the present Duties of Customs in this province, and for other purposes therein mentioned*, and the Acts amending the same, in so far as they are in force and consistent with this Act; And all words and expressions used in this Act shall have the meaning assigned to them in the said Acts, and all the provisions of the said Acts with regard to the duties imposed by them, or the regulations to be made under them, shall apply to the duties imposed by this Act and the regulations to be made under it, except in so far as they may be inconsistent with this Act.

Provisions of 10, 11 V. c. 31, and the Acts amending it to apply.

And so of interpretation of words.

SCHEDULE.

SCHEDULE.

TABLE OF DUTIES OF CUSTOMS INWARDS.

The following Goods shall be chargeable with duty according to the value thereof, at the Rates hereinafter mentioned:		Duty per cent *ad valorem*.
GOODS PAYING ONE HUNDRED PER CENT:		
Brandy; Gin; Cordials; Rum; Spirits and Strong Waters, including Spirits of Wine, and Alcohol, not being Whiskey;		100 p. ct.
GOODS PAYING FORTY PER CENT FROM 1ST JUNE, 1859, TO 30TH JUNE, 1860, BOTH DAYS INCLUSIVE,—		
"	**THIRTY-FIVE PER CENT FROM 1ST JULY, 1860, TO 30TH JUNE, 1861, BOTH DAYS INCLUSIVE,—**	
"	**TWENTY-FIVE PER CENT FROM 1ST JULY, 1861, TO 30TH JUNE, 1862, BOTH DAYS INCLUSIVE,—**	
"	**FIFTEEN PER CENT UPON, FROM AND AFTER THE 1ST JULY, 1862,—**	
The present duties remain in force until the end of May, 1859.	Sugar, refined, whether in loaves or lumps, candied, crushed, or in any other form; White Bastard Sugar or other Sugar equal to refined in quality;	40 per ct. 35 " 25 " 15 "
GOODS PAYING FORTY PER CENT:		
Cigars;		40 per ct.
GOODS PAYING THIRTY PER CENT FROM 1ST JUNE, 1859, TO 30TH JUNE, 1860, BOTH DAYS INCLUSIVE,—		
"	**TWENTY-FIVE PER CENT FROM 1ST JULY, 1860, TO 30TH JUNE, 1861, BOTH DAYS INCLUSIVE,—**	
"	**FIFTEEN PER CENT FROM 1ST JULY, 1861, TO 30TH JUNE, 1862, BOTH DAYS INCLUSIVE,—**	

		Duty per cent *ad valorem.*
GOODS PAYING TEN PER CENT UPON, FROM AND AFTER THE 1ST JULY, 1862:		
The present duties remain in force until the end of May, 1859.	Sugar,—being neither refined, nor White Bastard, nor other Sugar equal to refined in quality;	30 per ct.
		25 "
		15 "
	Molasses;	10 "
GOODS PAYING FIFTEEN PER CENT FROM 1ST JANUARY, 1860, TO 31ST DECEMBER, 1861, BOTH DAYS INCLUSIVE;		
"	**TEN PER CENT FROM 1ST JANUARY, 1862, TO 31ST DECEMBER, 1862, BOTH DAYS INCLUSIVE,—**	
"	**FIVE PER CENT UPON, FROM AND AFTER THE 1ST JANUARY, 1863.**	
The present duties remain in force until the end of the year 1859.	Coffee, green;	15 per ct.
	Tea;	10 "
		5 "
GOODS PAYING THIRTY PER CENT:		
	Almonds, Walnuts and Filberts;	30 per ct.
	Ginger, Pimento and Pepper, ground;	
	Mace, Nutmegs and Cinnamon;	
	Nuts of all kinds;	
	Patent Medicines and Medicinal Preparations, not elsewhere specified;	
	Spices, ground;	
	Snuff;	
	Wine of all kinds;	
	Currants;	
	Dried Fruit;	
	Figs;	
	Coffee, ground or roasted;	
	Blacking;	
	Tobacco, manufactured;	
	Soap;	
	Starch;	
	Ale, Beer and Porter;	

GOODS

	Duty per cent *ad valorem.*
GOODS PAYING TWENTY-FIVE PER CENT:	
Manufactures of Leather, viz:	—
Boots and Shoes;	25 per ct.
Harness and Saddlery;	25 per ct.
Clothing or wearing apparel made by hand or sewing machine;	25 per ct.
GOODS PAYING FIFTEEN PER CENT:	
Book, Map and News-printing Paper;	15 per cent.
GOODS PAYING TEN PER CENT:	
Anchors 6 cwt. and under;	10 per ct.
Books, printed; periodicals and pamphlets not being reprints of British Copyrights, nor Blank Account Books, or Copy Books, or Books to be written or drawn upon; and excepting also Bibles, Testaments, Prayer Books, and Devotional Books;	10 per ct.
Brass in bars, rods and sheets;	10 per ct.
Brass or Copper Wire and Wire Cloth;	10 per ct.
Cameos and Mosaics, real or imitation, when set in gold, silver and other metal;	10 per ct.
Canada Plates, Tinned Plates, Galvanized Iron and Sheet Iron;	10 per ct.
Copper, in bars, rods, bolts or sheets;	10 per ct.
Silk Twist for hats, boots and shoes;	10 per ct.
Iron—Bar, Rod or Hoop;	10 per ct.
" Nail and Spike Rod;	10 per ct.
" Hoop or Tire for driving wheels of locomotives, bent and welded;	10 per ct.
" Boiler Plate;	10 per ct.
" Railroad Bars, Wrought Iron Chairs and Spikes;	10 per ct.
" Rolled Plate;	10 per ct.
" Wire;	10 per ct.
Jewellery and Watches;	10 per ct.
Lead in sheet;	10 per ct.
Maps, Charts and Atlases;	10 per ct.
Sails, ready made;	10 per ct.
Spirits of Turpentine;	10 per ct.
Steel, wrought or cast;	10 per ct.
Cotton Candle Wick, Cotton Yarn and Cotton Warp;	10 per ct.
White Lead, dry;	10 per ct.
Plaster of Paris ground and calcined;	10 per ct.
Hydraulic Cement ground and calcined;	10 per ct.
Red Lead;	10 per ct.
Litharge;	10 per ct.
Phosphorus;	10 per ct.
Medicinal Roots;	10 per ct.
Drain Tiles for agricultural purposes;	10 per ct.
Engravings and Prints;	10 per ct.

Straw,

	Duty per cent *ad valorem.*
Straw, Tuscan and Grass fancy Plaits ;	—
Tin, granulated or bar ;	10 per ct.
Tubes and Piping, of copper, brass or iron, when drawn ;	
Zinc or Spelter, in sheet ;	
Locomotive and Engine Frames, cranks, crank axles, railway car and locomotive axles, piston rods, guide and slide bars, crank pins, connecting rods, steamboat and mill shafts and cranks forged in the rough ;	
GOODS PAYING TWENTY PER CENT :	
All articles not hereinbefore enumerated as charged with an ad valorem duty, or hereinafter charged with a Specific duty or declared free of duty, shall be chargeable with a duty of twenty per cent, on the value thereof ;	20 per ct.
GOODS PAYING SPECIFIC DUTIES :	Duty.
Whiskey of any strength not exceeding the strength of proof by Syke's hydrometer, shall be chargeable with a Duty of eighteen cents per gallon, and so in proportion for any greater strength or less quantity than a gallon ;	— $0.18 cts.
TABLE OF FREE GOODS.	
Acids, of every description, except Vinegar ;	
Agricultural societies,—seeds of all kinds, farming utensils and implements of husbandry, when specially imported by, for the encouragement of agriculture ;	
Alum ;	
Anatomical preparations ;	
Anchors, over 6 cwt,	
Animals of all kinds ;	
Antimony ;	
Antiquities, collections of ;	
Apparel, wearing, and other personal effects, and implements of husbandry, (not merchandise) in actual use of persons coming to settle in the province and accompanying the owner ;	
Apparel, wearing, of British subjects dying abroad ;	
Argol ;	Free
Arms for the Army or Navy and Indian nations, provided the duty otherwise payable thereon would be paid or borne by the Treasury of the United Kingdom, or of the Province ;	
Ash, Pot, Pearl and Soda ;	
Bark, Tanners' ;	
Bark, used solely in dyeing ;	
Barley, except Pot and Pearl ;	
Barley Meal ;	
Beans ;	
Bean Meal ;	
Bear and Bigg ;	
Bear and Bigg Meal ;	
Berries, used solely in dyeing ;	
Bibles, Testaments, Prayer Books, and Devotional Books :	

Bleaching Powder ;	
Bolting Cloths ;	
Borax ;	
Bookbinders' Tools and implements ;	
Books, Maps and Charts, imported not as Merchandise but as the personal Effects of persons arriving in Canada to become *bonâ fide* residents of the Province ;	
Bottles containing Wine, spirituous or fermented Liquors of Officers' Mess ;	
Brandy imported for do	
Bran and Shorts ;	
Brimstone ;	
Bristles ;	
Broom Corn ;	
Buckwheat ;	
Buckwheat Meal ;	
Bulbs and Roots other than Medicinal ;	
Bullion ;	
Burrstones, wrought or unwrought, but not bound up into Mill-stones ;	
Butter ;	
Coin and Bullion ;	
Cabinets of Coins ;	
Cables, Iron chain over ¾ of an inch diameter ;	Free.
" Hemp ;	
" Grass ;	
Carriages of Travellers, and carriages employed in carrying Merchandise (Hawkers and Circus Troupes excepted) ;	
Casks, Ships' water, in use ;	
Caoutchouc or Indian Rubber, and Gutta Percha, unmanufactured ;	
Cement, Marine or hydraulic, unground ;	
Charitable Societies—donations of clothing for gratuitous distribution by ;	
Cheese ;	
Clothing for Army or Navy or Indian Nations or for gratuitous distribution by any charitable Society ;	
Coal ;	
Cochineal ;	
Coke ;	
Commissariat Stores ;	
Copperas ;	
Corkwood or the bark of the Corkwood tree ;	
Corn, Indian ;	
Cotton and Flax waste ;	
Cotton Wool ;	
Cream of Tartar in crystals ;	
Diamonds and Precious Stones ;	
Drugs used solely in dyeing ;	
Dye stuffs, viz: Bark, Berries, Drugs, Nuts, Vegetables, Woods and extract of Logwood ;	

Earths.

Earths, Clays and Ochres, dry ;	Free.
Eggs ;	
Emery ;	
Emery, Glass, and Sand Paper ;	
Felt hat bodies and Hat Felt ;	
Fire brick ;	
Firewood ;	
Fish ;	
Do Oil, in its crude or natural state ;	
Do products of, unmanufactured ;	
Fishing Nets and Seines ;	
Fish Hooks, Lines and Fish Twines ;	
Flax Hemp and Tow, undressed ;	
Flour ;	
Fruits, Green ;	
Fruits, dried, the growth of the United States only, while the Reciprocity Treaty is in force ;	
Furs, Skins, Pelts or Tails undressed, when imported directly from the United Kingdom or British North American Provinces or from the United States, while the Reciprocity Treaty is in force ;	
Gems and Medals ;	
Gold Beaters' Brim Moulds and Skins ;	
Gravels ;	
Grains—Barley and Rye ;	
Beans and Peas ;	
Bear and Bigg ;	
Bran and Shorts ;	
Buckwheat ;	
Indian Corn ;	
Oats ;	
Wheat ;	
Meal of above Grains ;	
Grindstones, wrought or unwrought ;	
Gums and Rosins, in a crude state ;	
Gypsum or Plaster of Paris, ground or unground, but not calcined ;	
Grease and Scraps ;	
Hams ;	
Hair, Angola, Goat, Thibet, Horse or Mohair, unmanufactured ;	
Hemp ;	
Hides ;	
Horns ;	
Household Furniture and Effects that have been in actual use for one month or more, of persons coming to settle in this Province, and in charge of the owner ;	
Household Effects, personal, not merchandise, of subjects of Her Majesty domiciled in Canada but dying abroad ;	
Indigo ;	
Inventions and Improvements in the Arts, Models or patterns of, —provided that no article shall be deemed a model which can be fitted up for use ;	

Junk

Junk and Oakum;	Free
Lard;	
Lime, the produce of British North American Provinces only;	
Machinery, models and patterns of—provided the same be not put to actual use;	
Manilla grass;	
Manures of all kind;	
Marble in blocks or slabs, unpolished;	
Meats, fresh, smoked and salt;	
Menageries—horses, cattle, carriages and harnesses of—subject to Regulations by the Governor in Council;	
Military Clothing for Her Majesty's Troops or Militia;	
Military Stores and Materials for Military Clothing imported for the use of the Provincial Militia, under such restrictions as may be passed by Governor in Council;	
Mosses and Sea Grass, for Upholstery purposes;	
Musical Instruments for Military Bands;	
Nitre or Saltpetre;	
Oakum;	
Oils—Cocoa Nut, Pine and Palm, in their crude unrectified or natural state;	
Oil Cake or Linseed Cake;	
Ordnance Stores;	
Ores, of all kinds of Metals;	
Osier or Willow, for Basket makers' use;	
Packages of all kinds in which goods are usually imported, except the following, viz: Spirit, Wine, Oil, Beer, Cider, and other casks for the containing of liquid, Baskets of every description, Trunks, Snuff Jars, Earthenware Jars, Glass Jars, Bottles,—and Barrels containing Grain, Seeds and Peas;	
Pig Iron, Pig Lead and Pig Copper;	
Pitch and Tar;	
Philosophical Instruments and Apparatus, Globes;	
Plants, Shrubs and Trees;	
Printing Ink and Printing Presses;	
Provisions for Army or Navy or Indian Nations;	
Rags;	
Resin and Rosin;	
Rice;	
Sail Cloth;	
Sal Soda;	
Sal Ammoniac;	
Salt;	
Seeds, for Agricultural, Horticultural, or Manufacturing purposes, only;	
Ships' Blocks;	
Binnacle Lamps;	
Bunting;	
Canvas, Sail, Nos. 1 to 6.	
Compasses;	
Dead Eyes;	

Dead

Dead lights;	Free
Deck Plugs;	
Shackles;	
Sheaves;	
Signal lamps;	
Travelling trucks;	
Cordage which upon importation shall have paid the duty of customs, shall be entitled to draw-back under the 8th Sec, 22 Vict. ch. 76, when applied to ship building purposes, and under such Regulations as the Governor in Council may make.	
Ships' water casks in use;	
Silk Hat Felts;	
Soda Ash;	
Sago Flour;	
Specimens of Natural History, Mineralogy or Botany;	
Stone, unwrought;	
Slate;	
Stereotype Blocks, for Printing purposes;	
Statues, busts and casts, of marble, bronze, alabaster or plaster of Paris, paintings and drawings as works of art, specimens of sculpture, cabinets of coins, medals, gems, and all collections of antiquities;	
Sulphur or Brimstone;	
Tin and Zinc or Spelter in block or pig;	
Tallow;	
Teasels;	
Timber and lumber of all kinds, round, hewed, sawed, unmanufactured in whole or in part;	
Tobacco, unmanufactured;	
Tools and Implements of Trade of Handicraftsmen arriving in Canada, when accompanied into the Province by the actual settler, and brought in by such settler for his own use, and not for sale;	
Treenails;	
Turpentine other than spirits of Turpentine;	
Type Metal, in blocks or pigs;	
Varnish, bright and black, for ship builders, other than Copal, Carriage, Shellac, Mastic or Japan;	
Vegetables, not elsewhere specified;	
Vehicles of Travellers, except those of Hawkers and Pedlars;	
Water Lime, unground;	
Wine, spirits and fermented Liquors of all kinds, imported for Officers' Mess, and the packages containing the same;	
Wood for hoops when not notched;	
Woods of all kinds;	
Wool;	
All importations for the use of Her Majesty's Army and Navy serving in Canada; or for the public uses of the Province;	

TABLE

TABLE OF PROHIBITIONS.

The following articles are prohibited to be imported under a penalty of fifty pounds, together with the forfeiture of the parcel or package of goods in which the same may be found:	Prohibited.
Books, Drawings, Paintings and prints of an immoral or indecent character;	
Coin, base or counterfeit;	

CAP. III.

An Act to amend and consolidate the several Acts respecting the Public Works.

[*Assented to 26th March*, 1859.]

Preamble.

WHEREAS it is expedient to amend and consolidate the several Acts and parts of Acts now in force concerning the Department of Public Works, and the Works under its management and control: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, declares and enacts as follows:

Organization of the Department of Public Works.

Commissioner of Public Works.

His powers.

1. For the superintendence and management of the Public Works of this Province, the Governor may appoint a Commissioner who shall be styled Commissioner of Public Works, and who shall have such powers as are vested in him by this Act, and no other.

What shall be deemed acts of the Commissioner.

2. All writings and documents signed and sealed by him or his deputy, and countersigned by the Secretary, and no others, shall be held to be acts of the said Commissioner.

Commissioner not liable to be sued as such.

3. Inasmuch as the Commissioner fulfils all duties and exercises all powers conferred upon him by law as the servant or agent of Her Majesty, and all property acquired by him is acquired for and vested in Her Majesty, and the said Commissioner is not by law clothed with any corporate capacity,—therefore, the said Commissioner cannot and shall not as such Commissioner sue or be sued or impleaded in any Court of Law or Equity in this Province, for any cause whatever.

4.

Legal proceedings to be in the name of the Attorney or Solicitor General.

4. Whenever it becomes necessary to resort to any legal proceedings before any Court of Law or Equity, for enforcing performance of any contract or obligation made or entered into by any person with the said Commissioner, or for any other purpose connected with the duties and powers conferred upon the said Commissioner, the proceedings shall be instituted in the name of Her Majesty's Attorney General or Solicitor General for that part of the Province in which such proceedings are had, for and in behalf of Her Majesty.

Where notice to the Commissioner may be given.

5. Notice of any proceeding under this Act or any former Act, shall be given to the said Commissioner at his Office.

Deputy Commissioner and Secretary to be appointed.

Deputy and Secretary removable at pleasure.

Governor to appoint Engineers, &c.

6. The Governor may appoint a proper person to be Deputy Commissioner of Public Works,—and a proper person to be Secretary for the Department of Public Works,—and may, at his pleasure, remove the said Deputy Commissioner and Secretary or either of them, and appoint others in their stead, or may reinstate those removed ;—and the Governor may appoint all Engineers, Superintendents, and other Officers for the construction, maintenance and repair of public works and buildings.

Powers and duties of Deputy Commissioner.

7. The Deputy Commissioner shall, as regards the department of Public Works, have the power and duties vested in or assigned to Deputy Heads of Departments by the Act (20 V. c. 24,) "for improving the organization and increasing the efficiency of the Civil Service in Canada," with regard to their respective Departments; and so much of the eighth section of the said Act as makes the Secretary of the Department of Public Works the Deputy Head thereof, is hereby repealed: And the said Deputy Commissioner shall have such further powers and duties as may from time to time be vested in or assigned to him by the Governor in Council.

Duties of Secretary.

Accounts.

Plans.

Contractors and contracts.

Certificates for warrants.

Reports.

Correspondence.

Minutes of proceedings.

General superintendence.

8. It shall be the duty of the Secretary, under the authority and by the direction of the Commissioner,—to keep separate accounts of the moneys appropriated for and expended on each public work,—to submit the said accounts to be audited in such manner as may be appointed for that purpose by the Governor in Council,—to have charge of all plans, contracts, estimates and documents, models or other things relative to any such work,—to keep regular accounts with each contractor or other person employed by the said Commissioner,—to see that all contracts made with the said Commissioner are properly drawn out, and executed,—to draw all certificates upon which any warrant is to issue,—to prepare all reports to be submitted to the Commissioner,—and to receive and answer, according to the instructions he may receive from the Commissioner, all letters to or from him or other persons on the business of the Department,—to keep minutes of all the proceedings of the Department,—to keep copies of all correspondence, —to have the general superintendence of all other matters and things

Superintendence and duties.

things which he may be instructed to
missioner,—and generally to do all m
with the business of the Department
directs him to do or which devolves o
tion of the meaning of this Act in
provided for;

The Governor may cause plans, &c. relative to public works to be placed under the care of the secretary.

2. And the Governor may require
possession any instruments, plans,
models, estimates, or documents rela
and belonging to the province, to deli
Secretary, and may also from time to
and keeping, for the use of the Commi
books, drawings, models or documen
for which the said Commissioner is
for the better attainment of the objects

Commissioner, Deputy and Secretary to be paid by salary, &c.

9. The said Commissioner, and D
Secretary shall receive a yearly sala
bursements and travelling expenses,
place of residence on the duties of the
of the Deputy Commissioner shall
dollars per annum.

Functions of the Department, and work

Public works in Schedule A, and materials for the same to be vested in Her Majesty, and under the control of the Commissioner, and others may be made so by proclamation.

10. The several Public Works an
in the Schedule to this Act marked
other things belonging thereto, or p
the use of the same, shall be and cont
(if any) as have been lawfully transfe
Company or party, vested in Her Ma
nagement of the said Commissioner
Act; And the Governor in Council
by Proclamation, declare any other
structed at the Public expense, to be
ject to the provisions of this Act, and
of the said Commissioner.

Contracts for leases of works or tolls made by the Board of works to enure to Her Majesty.

11. All contracts, agreements or
or for any tolls for the same, entered i
Works, or by any Commissioners duly
the same, shall enure to the use of H
enforced as if entered into with Her

Property acquired for the use of provincial works to be vested in the Crown.

And hydraulic powers.

12. All lands, streams or water co
perty, acquired for the use of such
vested in Her Majesty, for the purpose
when not required for the said works,
under the authority of the Governor in
shall be accounted for as public mon
powers created by the construction of

expenditure of any public moneys thereon, shall be vested in Her Majesty, and any portion thereof not required for the Public Works may be disposed of under the authority of the Governor in Council, by sale or lease, and the proceeds shall be accounted for as public money.

Governor in Council may dispose of such property as may not be required.

13. This Act shall apply to Public Works constructed or completed after it comes into force, or for which appropriation is made after that time, unless it be otherwise provided by law.

This Act to apply to future works.

14. The said Commissioner shall have the superintendence and management of constructing, maintaining and repairing all canals, harbours, roads or parts of roads, bridges, slides, and other Public Works or buildings in progress, or constructed or maintained at the public expense out of the Provincial funds, and which under this Act will be placed under his management and control; but nothing in this Act shall give authority to the said Commissioner to cause expenditure not previously sanctioned by the Legislature, except for such repairs and alterations as the necessities of the Public Service may demand.

Of what public works the Commissioner shall have the management.

Expenditure to be sanctioned by legislature.

Exception.

15. In all cases of application to the Government or to the Legislature, by individuals or bodies corporate, for an appropriation for or expenditure upon any work proposed by them to be undertaken at the public expense,—detailed plans, surveys and estimates thereof shall be forwarded by the party so applying to the said Commissioner, to enable him to report thereon in a satisfactory manner for the information of the Governor and of the Legislature;—And in case the plans, surveys and estimates so sent are not found sufficient, the party so applying shall, prior to any action of the Commissioner thereon which would be attended with expense, enter into bonds to bear the costs attendant upon the providing of such further survey, examination and details as the Commissioner deems requisite to be made either by an officer of the Department or otherwise: but every such reasonable expense shall be refunded to the party if the Legislature makes an appropriation for such work.

Application for expenditure on any public work to be referred to the Commissioner.

Security to be given for necessary expenses of survey, &c., if found requisite.

16. The said Commissioner shall lay before the Governor the maps and estimates of any works suggested by him for the consideration of the Legislature, and of which maps and estimates have been prepared by order of the Governor in Council; and in the construction of these and all other Public Works approved of and provided for by the Legislature, the said Commissioner shall not depart, in any case, more than one mile from the line or lines delineated on the maps or plans of such works approved by the Legislature, such deviation being first submitted to and approved by the Governor in Council.

Maps and plans of work to be submitted to the Governor.

Commissioner not to depart from the line shewn in any such map, more than one mile.

No money for any public work, or building to be expended except under the Commissioner.

Exception.

17. No public money appropriated for any public work or building shall be expended except under the control and superintendence of the said Commissioner,—except only, that whenever any money has been appropriated by any Act of the Legislature for making or improving any road or highway, the Commissioner may in his discretion intrust the whole or part of such appropriation to the Municipal Councils of the Municipalities through which such road or highway passes, to be appropriated by such Council in the manner and for the purposes by law provided.

On what certificate warrants may issue for the payment of moneys for public works.

18. No warrant shall be issued for any sum of the public money appropriated for any public work under the management of the said Commissioner, except on the certificate of the Commissioner, or his Deputy, that such sum ought to be paid to the person named in the certificate, in whose favour a warrant may then issue, which warrant shall in all cases be deemed to be a legal tender to such person.

Money to a certain amount may be advanced to the Secretary.

19. The Commissioner may from time to time grant certificates in favor of the Secretary, for sums necessary to meet any disbursements allowed to him when on duty, or which the Commissioner may order to be made immediately by the Secretary, in any report approved by the Governor; but the sum which shall at any one time be in the hands of the Secretary shall in no case exceed five hundred pounds.

Commissioners may enter into contracts on behalf of the Province relative to public works.

How contracts made with the former Board shall be construed hereafter.

20. The said Commissioner may by writing under his hand and seal, on behalf of the Province, and as hereinafter mentioned, enter into all necessary contracts, agreements and arrangements with any person relative to the Public Works of this Province, and the construction and repairs thereof, and the real property required for the same; And all contracts entered into by and with the Board of Works, before the ninth day of June, 1846, or with the Commissioners of Public Works, shall have effect, as if they had been entered into by and with the said Commissioner, and all rights acquired by the Board of Works under any such contract shall be vested in Her Majesty, subject to the provisions of this Act.

Future contracts, &c., under the control of the Commissioner to be made in the name of Her Majesty.

21. All contracts, agreements, bargains, sales or leases to be made or entered into by the Commissioner for or relating to any public work, or any land or real or personal property, or hydraulic or other privilege, or any other thing concerning which any power is vested in the said Commissioner or in Her Majesty, under this Act, shall be made and entered into in the name of Her Majesty, and not otherwise.

Proviso: former contracts, &c., shall be valid, whether made in the

Provided always, that all such contracts, agreements, bargains, sales or leases concerning any of the matters hereinbefore mentioned as have been made by the Commissioners of Public Works, under any law then in force, shall be valid to all

all intents, whether the same were made and entered into in the name of such Commissioners, or in the name of Her Majesty.

name of Her Majesty or of the Commissioners.

22. The Commissioner or the Deputy Commissioner may require any account sent in by any contractor, or any person in the employ of the Department, to be attested on oath, which oath, as well as that to be taken by any witness, the Secretary or the Commissioner or the Deputy Commissioner may administer.

The Commissioner, &c., may require accounts to be attested on oath and administer oath.

23. The Commissioner may send for and examine, on oath, all such persons as he deems necessary, touching any matter upon which the action of the Commissioner is necessary, and may cause such persons to bring with them such papers, documents and things as it may be necessary to examine with reference to such matter, and may pay such persons a reasonable compensation for their time and disbursements, at the discretion of the Commissioner; And such persons shall attend at the summons of the Commissioner, after due notice, under the penalty of five pounds.

The Commissioner may send for persons and examine them on oath touching matters referred to them.

Penalty for non-attendance.

24. The Commissioner shall make and submit to the Governor in Council, an Annual Report on all the works under his control, to be laid before both Houses of the Legislature, within twenty-one days from the commencement of each session, showing the state of each work, and the amounts of the receipt and expenditure thereon, with such further information as may be requisite.

Annual report to be made and laid before the Legislature.

25. And the Commissioner shall report upon all matters referred by the Provincial Government connected with the objects for which the said Commissioner is appointed, and shall obtain all such evidence and information, plans, estimates, drawings or specifications, and cause such surveys, visits and examinations to be made, and do all such acts as are necessary to enable him to report.

Minutes of proceedings and reports to be duly entered.

26. It shall be the duty of the Commisioner to invite tenders by public advertisement for the execution of all works, except in cases of pressing emergency, where delay would be injurious to the public interest.

Work to be given by tender.

Exception.

27. The Commissioner, in all cases where any Public Work under his management is being carried on by contract, shall take all reasonable care that good and sufficient security be given to and in the name of Her Majesty, for the due performance of the work within the amount and time specified for its completion; And also in all cases where it seems to the Commissioner not to be expedient to let such work to the lowest bidder, it shall be his duty to report the same, and obtain the authority of the Governor in Council previous to passing by such lowest tender;

Security to be taken for the due performance of the work, &c.

Contract not always to be lowest bidder.

Contract to be signed before money paid, &c.

tender; but no sum of money shall be paid to the contractor on any contract, nor shall any work be commenced, until the contract has been signed by all the parties therein named, nor until the requisite security shall have been given.

Commissioner to suggest to the Governor advantageous public works.

Proviso.

28. It shall further be the duty of the said Commissioner to suggest to the Governor in Council such Public Works or improvements as can in his judgment be undertaken with advantage to the Province: But in no case shall any expense beyond the amount of one hundred pounds be incurred or authorized by the Commissioner with regard to any matter or matters referred to him, or suggested by him, unless with the approval of the Governor in Council.

Detailed accounts of the moneys advanced or paid for any public work to be made up by the secretary.

Accounts to be accompanied by vouchers, and to be attested.

29. The said Secretary shall make up detailed accounts of the expenditure of all moneys advanced or paid under certificates of the Commissioner, showing the sum appropriated for each public work, the sum so paid or advanced, and the balance if any remaining unexpended, and in whose hands; And each account shall be accompanied by vouchers, corresponding with the numbering of the items of such account, and shall be made up and closed quarterly, on the first day of January, April, July and October, in each year, and shall be attested before a Judge of one of the Superior Courts of Law, or before some Justice of the Peace, and shall be transmitted to the Inspector General, within one month after the said periods respectively.

Taking lands, and other powers in the construction of Public Works.

Commissioner may enter on property to make surveys, &c.

30. The said Commissioner may authorize the engineers, agents, servants and workmen employed by or under him to enter into and upon any ground to whomsoever belonging, and to survey and take levels of the same, and to make such borings, or sink such trial pits as he deems necessary for any purpose relative to the works under his management.

And may take lands, streams, &c., for public works.

And may contract and agree with all persons, &c., for that purpose, otherwise incapable of contracting.

31. The said Commissioner may at all times acquire and take possession of all lands or real estate, streams, waters and water courses, the appropriation of which for the use, construction and maintenance of such Public Works, or for the use, construction or maintenance of hydraulic privileges made or created by, from or at such Public Works, is in his judgment necessary;—and he may for that purpose contract and agree with all persons, Seigniors, bodies corporate, guardians, tutors, curators and trustees whatsoever, not only for themselves, their heirs, successors and assigns, but also for and on the behalf of those whom they represent, whether infants, (minor children,) absentees, lunatics, femes-covert, or other persons otherwise incapable of contracting, possessed of or interested in such lands, real property, streams, waters and water courses, and all such contracts and agreements, and all conveyances or other instruments made in pursuance thereof, shall be valid to all intents.

32.

Commissioner empowered to take lands, streams, &c, in certain cases;

32. The said Commissioner, for and in the name of Her Majesty, may acquire and take possession of any lands or real estate, streams, waters or water courses adjoining or lying in the neighbourhood of any public work, and which he deems requisite for the enlargement or improvement of such work, or for obtaining better access thereto;—And to enable him to acquire and take possession of such lands or other property, the said Commissioner shall have all the powers and rights conferred by the next preceding section for the purpose of enabling him to acquire such lands or real estate, streams, waters and water courses as are contemplated by the said section, and to take possession of them whenever the owners or occupiers thereof refuse or fail to agree with the Commissioner for the purchase thereof; And the said Commissioner may, under the authority of the Governor in Council, sell and convey to any person or body corporate, any land or other real estate which he has under his control and which is not required for the use of any Public Work; the proceeds of all which sales shall by the said Commissioner be accounted for in the due course of law.

And may, under authority of Governor in Council, alienate the same when no longer necessary.

Commissioner may take materials from off any land.

Compensation to be made.

Commissioner may make and use roads from the works to such materials.

33. The said Commissioner and his agents, may take from all uncleared or wild land, all stones, gravel, sand, clay, or other material, he or they may find necessary for the construction, maintenance or repair of Public Works or buildings under his management, for which compensation shall be made at the rate agreed on or appraised and awarded as herein provided;—And the said Commissioner may make and use all such temporary roads to and from such stones, clay, gravel, sand or gravel pits, required by him for the convenient passing to and from the works during their construction or repair.

Compensation for damages to be paid within four months.

34. The compensation agreed on between the parties, or appraised and awarded in the manner hereinafter set forth, shall be paid for such lands, real property, streams, waters and water courses, or damages, to the owners or occupiers of such lands or property, or to the persons suffering such damage as aforesaid, within four months after the amount of such compensation has been agreed on or appraised and awarded.

When the owner refuses to convey his estate, &c.

Commissioner may take possession.

35. Where any such owner or occupier, refuses or fails to agree for conveying his estate or interest in any land, real property, streams or water courses as aforesaid, the Commissioner may tender the reasonable value in his estimation of the same, with notice that the question will be submitted to the Arbitrators hereinafter mentioned; and in every case, within three days after such agreement or tender and notice, the Commissioner may authorize possession to be taken of such land, real property, streams or water courses so agreed or tendered for.

When the owner does not reside in

36. If the owners of such land, real property, streams or water courses do not reside in the vicinity of such property so required, then notice shall be given in the "Canada Gazette" and

the vicinity of the property, &c.

and in two distinct newspapers published in or in some place adjoining the District or County in which such property is situate, of the intention of the Commissioner to cause possession to be taken of such lands, or real property, streams or water courses, and after thirty days from the publication of the last notice, possession may be taken accordingly.

All property purchased to be vested in Her Majesty.

37. All land, real property, streams or water courses, contracted for, purchased, or otherwise acquired by the said Commissioner in manner aforesaid, shall be vested in and become the property of Her Majesty, and the respective conveyance thereof, not being notarial deeds, shall be brought to and recorded and enrolled in the office of the Registrar of this Province, but being so enrolled, or being notarial deeds, need not otherwise be made by matter of record; and such conveyances may be accepted by the said Commissioner on behalf of the Crown.

Commissioner may discontinue part of a public road on substituting another.

38. The said Commissioner may discontinue or alter any part of a public road, where it is found to interfere with the proper line or site of any Public Work as aforesaid;—But before discontinuing or altering such public road, he shall substitute another convenient road in lieu thereof; and the land theretofore used for any road, or part of a road, so discontinued, with the sanction of the Governor in Council, shall thereafter become the property of the owner of the land of which it originally formed part:

Road discontinued to become part of the land it was originally taken from.

Provision as to roads discontinued before 9th June, 1846, under authority of Board of Works.

2. And as to the roads discontinued and replaced by roads made under the control of the Board of Works, before the ninth day of June 1846, or by the Commissioners of Public Works, such roads shall become the property of the owners of the land of which they originally formed part, and shall not be used as public road,—except such parts of the said roads so discontinued as were set apart by the Board of Works for the use of the public, and also such other parts thereof as may be required by the owners of such property to reach the new roads substituted for such old roads;—But such roads or parts of roads shall not be made use of to avoid the payment of tolls.

Commissioner to make drains in certain cases.

39. The said Commissioner shall either construct back ditches or drains for carrying off the water accumulating behind the banks of all Public Canals under his management, when such accumulation is caused by the construction of any such Canal, or shall pay a reasonable compensation to the owners of the Lands injured by the accumulation of such water;

Fences, drains and ditches to be kept in repair by parties interested.

And whenever the said Commissioner has constructed any such ditches or drains, and whenever he has put up any fence dividing the property of private individuals from any bridge, canal or other work constructed at the public expense, the said Commissioner and the Government of the Province, shall be forever released from all obligation in regard to such fences, ditches

ditches or drains, which shall thenceforward be maintained, repaired and renewed, when necessary, by the adjoining proprietors, who shall be alone liable for any damages arising out of the disrepair of any such fences, ditches or drains:

Such parties may claim compensation in certain cases.

2. But whenever the provisions of this Act have the effect of imposing upon any person any liability beyond what would have otherwise fallen upon him in regard of such fences, ditches or drains, such person may, by one claim filed in the manner and time required by this Act, demand compensation for all losses, injuries and expenses accrued or incurred or which thereafter might accrue or be incurred to and by himself, his heirs, assigns and legal representatives, by such additional liability, and the Arbitrators in all such cases may award such compensation as they deem sufficient to cover all such losses, injuries and expenses for the future as well as for the past.

Walls, &c., taken down in executing public works to be replaced by the Commissioner.

40. Whenever it is necessary in the prosecution of any public work, for the said Commissioner, or his contractors or servants, to take down or remove any wall or fence of any owner or occupier of lands or premises adjoining such public work, the Commissioner or contractors, or their authorized servants, shall replace the same as soon as the necessity which caused their being taken down or removed has ceased, and after the same have been so replaced, the owner or occupier of the said lands or premises shall maintain such walls or fences, to the same extent as such owner or occupier might be by law required to do, if the same had never been so taken down or removed.

How to be kept up afterwards.

Official Arbitrators.

Governor in Council to appoint not more than three arbitrators for all Canada.

41. The Governor in Council shall, from time to time, appoint one or such other number not exceeding three proper persons who shall be Arbitrator or Arbitrators and Appraiser or Appraisers for the whole Province of Canada, who shall, arbitrate on, appraise, determine and award the sums which shall be paid to any owner, occupier or person representing such owner for the land or real estate taken either in perpetuity or temporarily for the use of the said public works, or any of them, or as compensation for any loss or damage accruing to them from such public works, or any of them, and with whom the said Commissioner has not agreed and cannot agree;—And every such arbitrator shall receive such remuneration as shall be from time to time fixed by the Governor in Council.

Their duties.

Arbitrators to be sworn.

42. The said Arbitrator or Arbitrators shall take, before the said Commissioner, or some one of Her Majesty's Justices of the Peace, the following oath:

"I,

Their oath.

"I, A. B., do swear that I will well and truly hear, try and "examine into such claims as may be submitted to me for "compensation for land or real property proposed to be "taken possession of for the use and purposes of, (*or as the "case may be,*) and that I will also well and truly examine "into such claims for compensation for damages consequent "upon the construction of the said work; and that I will give "a true judgment and award thereon to the best of my know-"ledge and ability; and that in determining such award I "will take into due consideration the benefits to be derived to "the persons making such claims as aforesaid, as well as the "injury done thereby. So help me God."

Clerks to be appointed.

Their remuneration.

43. The Governor shall appoint one or more proper persons to act as Clerk or Clerks to the said Arbitrator or Arbitrators; and may remove such Clerks and appoint others whenever he sees fit; And each of the said Clerks shall be allowed the sum of fifteen shillings for every day of his attendance to his duties as such.

Present arbitrators may complete pending cases, &c.

44. Provided always, that the arbitrators for Upper and Lower Canada, respectively, appointed under the Acts hereby repealed or superseded, and in office when this Act comes into force, and the clerks to the said arbitrators respectively, shall continue in office until removed, for the sole purpose of completing cases pending before the said arbitrators, and in which they have actually proceeded to take evidence, before this Act comes into force, and of giving their award therein, and shall with respect to such cases only, have all the powers conferred on any arbitrators by this Act, and shall receive the compensation allowed them by former Acts:—And in case of any vacancy among the arbitrators for Upper or for Lower Canada, or their clerks, while any such case is pending before them, the Governor in Council may, if need shall be, appoint another or others to act in such cases only, with the powers aforesaid; and any person so appointed an arbitrator shall take the oath aforesaid, unless he be an arbitrator appointed for the whole Province under this Act.

Vacancies among present arbitrators.

How the word "arbitrators" shall be construed in the following provisions.

45. Whenever in the following sections of this Act, the word "arbitrators" occurs, it shall be understood to mean the arbitrator appointed under this Act, if there be then only one, and the arbitrators appointed under this Act, if there be more than one;—Except that as regards any case pending, and in which evidence has been taken as aforesaid before arbitrators when this Act comes into force, it shall be understood to mean the arbitrators to whom such case was referred, or any majority of them, or of those acting in such case, and subject always to the power hereinafter given to the Commissioner to refer any matter to any one or more of the Arbitrators, if there be more than one.

What

What cases may be referred to Arbitration.

46. If any person or body corporate has any claim for property taken, or for alleged direct, or consequent damages to property, arising from the construction or connected with the execution of any public work undertaken, commenced or performed at the expense of this Province, or of either of the late Provinces of Upper or Lower Canada, or any claim arising out of or connected with the execution or fulfilment, or on account of deductions made for the non-execution or non-fulfilment of any contract for the performance of any such public work, made and entered into with the said Commissioner either in the name of Her Majesty, or in any other manner whatsoever, or with any other Board, or any other Commissioners lawfully authorized to enter into the same on behalf of this Province, or either of the said Provinces of Upper or Lower Canada,—such person or body corporate may give notice of such claim to the said Commissioner, stating the particulars thereof, and how the same has arisen;—And thereupon, the Commissioner may, at any time within thirty days after such notice, tender what he considers a just satisfaction for the same, with notice that the said claim will be submitted to the decisions of the Arbitrators acting under this Act, unless the sum so tendered is accepted within ten days after such tender, which shall be deemed to be legally made by any written authority for the payment of such sum given under the hand of the said Commissioner, and notified to the person or body corporate having such claim;—And a tender so made shall be sufficient likewise in case of tender of compensation by the Commissioner under any other section of this Act;

If any party having a claim of any kind for damages arising from any public work, or out of any contract, with regard to any such work, shall bring such claim before the Commissioner.

The Commissioner may, within thirty days, tender such amount as he may think sufficient.

If not accepted the claim shall be submitted to the arbitrators.

What shall be a tender under this chapter.

2. But before any claims either under this section or under any other section of this Act, shall be arbitrated upon, the claimant thereof shall give security to the satisfaction of the Arbitrators (or of any two of them,) for the payment of the costs and expenses incurred by the arbitration, in the event of the award of the Arbitrators being against such claimant, or of its not exceeding the sum so tendered as aforesaid.

Claimants to give security for the costs of arbitration, to the satisfaction of the arbitrators.

Costs, how to be taxed.

47. It shall be competent for the Commissioner to refer any of the claims aforesaid either to one or to any greater number of Arbitrators as he may see fit; and the award of the sole Arbitrator shall be binding if there be only one; and the award of a majority of the said Arbitrators if there be more than one acting in the case, or of a majority of the Arbitrators acting in any case pending when this Act comes into force, shall in all cases be binding as if made by all the Arbitrators.

Reference may be to one or more arbitrators: if more than one, award of majority to be binding.

48. No arbitration shall be allowed in any case where by the terms of the contract therein, it is provided that the determination of any matters of difference arising out of or connected with the same shall be decided by the Commissioner or by any Engineer or officer of the Department.

No arbitration when the contract provides another course.

49.

Claims for land or damages, or arising out of contracts, to be filed within a certain time.

49. No claim for land or other property alleged to have been taken for or injured by the construction, improvement, maintenance or management of any public work, or for damages alleged to have been occasioned directly or indirectly to any such land or other property by the construction, maintenance on management of any such public work,—and no claim arising out of or connected with the execution of any contract or agreement for the performance of any such public work or of any part thereof,—shall be entertained by the arbitrators under this Act, unless such claims and the particulars thereof have been filed at the office of the Commissioner, which may be established under this Act,—within twelve calendar months next after the loss or injury complained of, when such claim relates to the taking of or damage occasioned to land or other property,—And when such claim relates to or is alleged to arise out of the execution or fulfilment of any contract or agreement for the construction of any public work, unless the same has been filed at the said office, within three calendar months next after the date of the final estimate made under such contract: But nothing herein contained shall prevent the Arbitrators from entertaining, investigating or awarding upon any claims filed within the delay allowed by any Act then in force.

Time and place of arbitration.

50. Whenever the Commissioner cannot effect an amicable settlement of any such claim, he shall refer the same to the said Arbitrators within sixty days from the filing thereof; and the said Arbitrators shall proceed to investigate and make their award thereon, at such time and place as the Commissioner shall appoint.

All disputes may be referred to the arbitrators.

51. If any claim arises against the said Commissioner of a nature different from those described in this Act, which the Commissioner is unable to settle amicably, then such claim (unless the same be made for salary, wages, or allowances by any subordinate officer or person in the employ of the Commissioner) shall be referred to the said Arbitrators, who shall investigate and give their award upon such disputed claim, in like manner as provided for their award upon other claims: But no such disputed claim shall be entertained by the Arbitrators, unless the same, with the particulars thereof, has been filed at the office of the Commissioner within twelve calendar months after the same arose.

But such claim must have been filed within twelve months after it arose.

Powers of the said Arbitrators, and proceedings by or before them.

Arbitrators to have powers to summon witnesses, and to swear them.

52. The said Arbitrators may, by summons or order in writing, to be left at the last usual place of residence of the party to whom it is addressed, command the attendance from any part of the Province of all witnesses or the production of any documents required by any of the parties, and may swear the said witnesses to testify truly respecting the matters on which they

are

are to be interrogated;—And the disobedience of such summons or order in writing, or neglect to attend and produce such documents shall subject the party disobeying, neglecting or refusing, to a penalty of not less than one pound nor more than five pounds, to be recovered before any Justice of the Peace, and levied under the warrant of such Justice, by distress and sale of the goods and chattels of the offender unless the party establishes reasonable cause for such disobedience, neglect or refusal:

Penalty for refusing to obey summons.

2. But no person shall be compelled to produce any document that he would not be compelled to produce at a trial in the Queen's Bench, Common Pleas or Superior Court, or to attend as a witness more than two consecutive days;—And each of the said witnesses shall be allowed, in addition to his reasonable travelling expenses, a sum not exceeding five shillings a day, at the discretion of the said Arbitrators; and such remuneration shall be paid by the party requiring his attendance.

What documents witnesses may be compelled to produce.

Payment of witnesses.

53. The said Arbitrators shall consider the advantage as well as disadvantage of such public work, as respects the land or real estate of any person through which the same passes or to which it is contiguous, or as regards any claim for compensation for damages brought before them;—And the said Arbitrators shall, in assessing the value of any land or real estate proposed to be taken for the purposes of any such public work, or in estimating and awarding the amount of damages to be paid by the said Commissioner to any person, take into consideration the advantages likely to accrue as well as the injury or damages occasioned by reason of such work:—But the Arbitrators shall not in any case award that any sum be paid by any person to the said Commissioner on account of any such advantages.

Arbitrators shall consider the advantages as well as disadvantages of any work to the party claiming damages.

But no party to pay any sum to the Commissioner for such advantages.

54. The said Arbitrators, in estimating and awarding the amount to be paid to any claimant for injury done to any land or real property, and in estimating the value of lands taken by the said Commissioner under this Act or any former Act, shall estimate or assess such land or real property in accordance with the value thereof at the time when the injury complained of was occasioned, and not according to the value of the adjoining lands at the time of making their award.

Rules to be observed by the arbitrators in estimating the value of lands taken, &c.

55. The said Arbitrators, in investigating and awarding upon any claim arising out of any contract in writing, shall decide in accordance with the stipulations in such contract, and shall not in any case award compensation to any claimant on account of his having expended larger sums of money in the performance of any work than the sums for which he contracted to perform such work; nor shall they award to such claimant any interest upon any sum of money which they consider to be due to such claimant, in the absence of any contract in writing stipulating payment of such interest;—And no clause in any such contract in

Arbitrators to be bound by the stipulations of any contract.

As to interest.

Penalties not

to be deemed comminatory.

in which any drawback or penalty is stipulated for the non-performance of or neglect to complete any public work, or to fulfil any covenant in such contract, shall be considered as comminatory, but shall be construed as importing an assessment by mutual consent of the damages arising out of such non-performance or neglect.

Arbitrators to take evidence in writing, &c.

56. The said Arbitrators, in investigating any claim, shall cause all legal evidence offered on either side, to be taken down and recorded in writing, and shall make a list of all plans, receipts, vouchers, documents and other papers which may be produced before them during any such investigation:

Or orally by consent.

2. Nevertheless, the said Arbitrators may, with the consent in writing of the said Commissioner and of the opposite party, take the testimony of the witnesses adduced on either side orally, and shall not in such case reduce it to writing.

Arbitrators to furnish copies of their awards in order that the sum awarded may be paid.

57. The said Arbitrators shall furnish the Commissioner with a copy of their award, and a copy thereof to each individual as far as relates to his particular claim, within one month after each decision, in order that the amounts awarded may be paid by the Commissioner, within four months thereafter.

Clerks to furnish copies of papers.

Payment for the same.

58. The said Clerk to the Arbitrators shall deliver to any person requiring the same, certified copies of any depositions or papers taken or filed before the Arbitrators: And before delivering any such copies, the Clerk shall be entitled to payment at the rate of six pence for every hundred words contained in the same, and one shilling additional for any certificate.

As to costs of arbitration.

59. If the sum awarded exceeds the sum tendered, the Commissioner shall pay the costs of arbitration, but if not, the costs shall be paid by the person who refused the tender made by the Commissioner:

Costs to be taxed, and how.

2. And such costs shall in other cases, when the award is in favor of such claimant, be paid by the said Commissioner in addition to the sum awarded, and shall in either case be taxed by the proper officer of the Court of Queen's Bench or Common Pleas, in Upper Canada, and in Lower Canada by a Judge of the Superior Court; And in every case in which the claimant has been represented or assisted by an Attorney before the Arbitrators, the fees of such Attorney shall be taxed and allowed to him as in a contested case in the said Superior Court, or in the Circuit Court, according to the sum awarded.

Appeals from awards in Lower Canada.

Appeal given to either party from award of arbitrators.

60. Any Claimant dissatisfied with any award made by the said Arbitrators in Lower Canada, may appeal from such award by petition addressed to the Superior Court, sitting in Term

Term in the District in which such award was made, praying such Court, for reasons to be set forth in such petition, to revise and re-consider the same, and to set side and annul the same, either wholly or in part, and if in part, stating what part, or to amend or reform the same; and Her Majesty's Attorney General or Solicitor General for Lower Canada, may appear to answer such petition for and on behalf of Her Majesty:

If the Commissioner is dissatisfied.

2. And whenever the said Commissioner is dissatisfied with any award, Her Majesty's Attorney General or Solicitor General may, by information on behalf of Her Majesty, apply in like manner, and for reasons to be set forth in such information, to set aside or annul such award, either wholly or in part, or to amend or reform the same;

Powers of the Court.

3. And such Court may either amend or reform such award or set aside and annul the same; and if such Court is of opinion that the Claimant in any such appeal is entitled to recover an amount of compensation larger than that awarded by the Arbitrators, the Claimant shall receive from the said Commissioner, not only the amount of compensation specified in the judgment of the Court, but also such costs as the Court may award upon such appeal; And when in any such appeal instituted by Her Majesty's Attorney General or Solicitor General, the Court sets aside or annuls any award, or diminishes the amount of compensation awarded to the Claimant, then the Court may award costs to Her Majesty.

As to costs.

Application must be made within four months.

61. No such award in Lower Canada shall be set aside unless the application to the Court is made within four months from the date of the award, nor unless notice of such Petition has been given at least twenty full days before the presentation of such Petition.

What evidence shall be admissible on appeal.

62. On every such appeal in Lower Canada, the Arbitrators shall produce before the Superior Court all evidence taken and recorded before them, and all plans, receipts, vouchers and other documents submitted to and filed before them in relation to such claim; And the said Court shall not allow any other evidence to be adduced upon any such appeal, except when the Arbitrators have rejected and refused to record evidence by law admissible.

Setting aside awards in Upper Canada.

The award of such arbitrators to be subject to the control of the Courts, as awards of other arbitrators.

63. In Upper Canada all awards or decisions of the said Arbitrators shall be subject to the jurisdiction of the Superior Courts of Law or Equity, within the jurisdiction whereof the arbitration has taken place, in like manner and to the same extent, and under the same regulations as apply to arbitrations under the submission of the respective parties,—except that no such award shall be set aside unless the application to the Court is made within one year from the date of the award.

Arbitration

Arbitration in certain Special Cases.

Arbitrators may be appointed in certain cases, otherwise than as before mentioned.

64. The Commissioner of Public Works, if he deems it expedient, and when thereunto required by the parties bringing claims in any of the cases before mentioned, may, under the authority of the Governor in Council, refer the said claims, or any of them, to Arbitrators other than the said Official Arbitrators, which Arbitrators shall be appointed in manner following:

Mode in which arbitrators may be appointed.

2. The claimant shall appoint one Arbitrator, the Commissioner of Public Works shall appoint another, and the said two Arbitrators shall appoint a third, and in case of disagreement, the said third Arbitrator shall be appointed by a Judge of any Court of Record, upon the request of the said two Arbitrators;

Their powers.

3. And the said three Arbitrators shall have the same powers for the examination and decision of any claim and for commanding the attendance of and summoning before them, hearing, swearing and examining witnesses, and requiring the production of all papers and documents, as the said Official Arbitrators have or might have.

Penalties on witnesses not attending, &c.

65. Every witness summoned neglecting or refusing to appear before the said Arbitrators, or to be sworn or to answer to the interrogatories put to him, or refusing to produce the documents required of him, shall be liable to the penalty prescribed by the fifty-second section of this Act, in the same manner and subject to the same exemptions and limitations, as in the said section provided, and the said penalty shall be recovered in the manner therein provided; and the said witnesses shall be entitled to be taxed in the manner therein also provided.

Claimants to give security.

66. The claimant shall give security to the satisfaction of the Arbitrators under the two next preceding sections, in the cases provided, and in the manner and for the purposes mentioned in the forty-sixth section of this Act.

Awards, when to be final, and when subject to revision.

67. The award of the said Arbitrators, or a majority of them, shall be final and without appeal, in all cases in which the claim submitted to them does not exceed Fifty Pounds; and in any case in which the claim exceeds Fifty Pounds, their award shall be subject to and governed by all the provisions contained in the sections sixty, sixty-one, sixty-two and sixty-three of this Act, with respect to the setting aside or confirming of the awards therein mentioned.

Costs by whom to be paid.

Remuneration of arbitrators.

68. The costs for any arbitration under the sixty-fourth section shall be borne and paid in the manner provided by the fifty-ninth section of this Act, and taxed in the manner provided by the said Section, and the remuneration of the said Arbitrators

Arbitrators shall be fixed in the same manner for the Official Arbitrators.

Confirmation of Title to Real Property in Lower Canada.

69. In Lower Canada the compensation awarded by Arbitration or agreed upon by the Commissioner and any party who could under this Act validly convey the real estate, or lawfully in possession thereof as owner, for any real estate which might be lawfully taken under this Act without the consent of the owner, shall stand in the stead of such land; and any claim to or hypothec or incumbrance upon such real property shall be converted into a claim to or upon the said compensation:

In Lower Canada, the compensation shall stand in the stead of the property.

2. If the Commissioner believes that any such claim, hypothec or incumbrance exists upon the land, or if any party to whom the compensation or any part thereof is payable, refuses to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found, or is unknown to the Commissioner, or if for any other reason the Commissioner deems it advisable—he may pay such compensation into the hands of the Prothonotary of the Superior Court for the District in which the property lies, with six months interest thereon, and may cause to be delivered to the said Prothonotary an authentic copy of the conveyance (or of the award if there be no conveyance, and such award shall thereafter be deemed to be the title of Her Majesty to the land therein mentioned), and proceedings shall be thereupon had upon application on behalf of the Crown for the confirmation of such title in like manner as in other cases of confirmation of title,—except that in addition to the usual contents of the notice, the Prothonotary shall state that such title (that is the conveyance or award) is under this Act, and shall call upon all persons entitled to, or to any part of the real estate, or representing or being the husband of any party so entitled, to file their oppositions for their claims to the compensation, or any part thereof;—and all such oppositions shall be received and adjudged upon by the Court, and the judgment of confirmation shall for ever bar all claims to the real estate or any part thereof, (including dower not yet open) as well as all hypothecs or incumbrances upon the same;—And the Court shall make such order for the distribution, payment or investment of the compensation, and for securing the rights of all parties interested as to right and justice appertain according to the provisions of this Act and to law: and the costs of the said proceedings or any part thereof shall be paid by the said Commissioner or by any other party, as the Court deems it equitable to order;

Proceedings to be taken if the Commissioner has reason to think that hypothecs or claims exist.

What the notice to the Prothonotary shall contain in addition to the usual particulars.

Claims not filed, (including dower not open) to be for ever barred.

And if judgment of confirmation be obtained in less than six months from the payment of the compensation to the Prothonotary, the Court may order a proportionate part of the interest

Distribution to be ordered by the Court.

interest to be returned to the Commissioner;—and if from any error, fault or neglect in prosecuting the said application for confirmation of title, such confirmation is not obtained until after the six months are expired, the Court shall order payment of interest to the party entitled thereto for such further period as may be right.

Recovering possession of Public Works in Lower Canada.

A guardian may be appointed to take possession of real property for the recovery of which an action is brought by the Crown.

70. Whenever an action is brought on behalf of the Crown to recover possession of any Pier, Road, Bridge, Building or other Public Work in Lower Canada, the Court before which the action is brought or any one of the Judges thereof, may order the Sheriff of the District to put the person or persons named for that purpose by the Attorney General, Solicitor General, or other Officer prosecuting such action, and moving or petitioning for such order, in possession of the Public Work designated in the action or in regard of which the action is brought, together with its appurtenances; such Public Work and appurtenances to be held by such person or persons as the guardian (*gardien*) or guardians thereof during the pendency of such action.

Order for delivery to guardian, how obtained.

71. Every such order may be moved or petitioned for and made, at any time after the service of the Writ of Summons in the action, either before or after the return thereof, and either in term or in vacation, and shall be granted upon affidavit shewing to the satisfaction of the Court or Judge, that the Public Work in question belongs to Her Majesty, and is unjustly or illegally detained by the Defendant.

Sheriff to put guardian into possession.

72. The Sheriff upon receipt of any such Order, shall pu person or persons therein appointed as such guardian or guardians, in possession of the Public Work therein designated.

Sale and transfer of Public Works.

Property, &c. no longer required for public purposes may be sold.

73. The Governor in Council may dispose by sale or lease of any land, stream or water course or other real property, acquired for the purpose of any public work and no longer required for the same,—or of any portion of any hydraulic power created by the construction of any Public Work or the expenditure of any public money thereon, and not required for such Public Work,—and the proceeds shall be accounted for as public moneys:

Commissioner may sell lands no longer required.

2. And the Commissioner of Public Works may, whenever he deems it expedient, sell and convey to any person or body Corporate, any land or real estate acquired under section thirty-two of this Act, which he has under his control, and which is not required for the use of any such Public Work; and the proceeds of all such sales shall be by the said Commissioner accounted for in due course of law.

74.

74. Any public Road or Bridge made, built or repaired at the expense of the Province, and under the management and control of the Commissioner of Public Works, may, by Proclamation issued by authority of the Governor in Council, be declared to be no longer under the management and control of the said Commissioner;—and upon, from and after a day to be named in such Proclamation, such Road or Bridge shall cease to be under the management and control of the said Commissioner, and no Tolls shall thereafter be levied thereon under the authority of this Act.

Roads and bridges made by the province may be withdrawn from the control of the commissioner.

75. Any Public Road or Bridge, declared as aforesaid to be no longer under management of the said Commissioner of Public Works, shall be under the control of the Municipal Authorities of the locality and of the Road Officers thereof, in like manner with other Public Roads and Bridges therein, and shall be maintained and kept in repair under the same provisions of law which are hereby declared to extend to such Road or Bridge.

Public roads and bridges, no longer under the management of the commissioner, to be under the control of the local municipal officers.

76. The Governor in Council may enter into arrangements with any of the Municipal Councils or other Local Corporations or Authorities, or with any Company in Lower or Upper Canada incorporated for the purpose of constructing or holding such works, or works of like nature in the same section of the Province—for the transfer to them of any of the Public Roads, Harbours, Bridges or Public Buildings [whether within or without the limits of the Local Jurisdiction of such Municipal Councils or other Authorities] which it is found convenient to place under the management of such Local Authorities or Companies :—And on the completion of such arrangements, the Governor in Council may grant, and by so granting, transfer and convey for ever or for any term of years, all or any of such Roads, Harbours, Bridges or Public Buildings, to such Municipal Council, or other Local Authority or Company (hereinafter called Grantee,) upon such terms and conditions as have been agreed upon ; and the said Municipal Councils or other local Authorities may enter into such arrangements and may take and hold any such works so transferred;—And all moneys payable to the Province under the conditions of any such grant, shall be carried to the credit of the Sinking Fund and form part thereof.

Governor in Council may arrange for the transfer of certain public works to the local authorities.

77. Any such grant of any of the said Public Works, may be made by Order of the Governor in Council, published in the *Canada Gazette*;—and by such Order, any or all of the powers and rights vested in the Crown or in the Governor in Council, or in any Officer or Department of the Provincial Government, with regard to the Public Work thereby granted, may be granted to and vested in the Grantee to whom the Public Work is granted :

Transfer to be effected by order in Council.

What provisions such order in Council may contain.

2. And such Order in Council may contain any conditions, clauses and limitations agreed upon, which, as well as all the provisions of such Order in Council, shall, (in so far as they are not inconsistent with this Act, and do not purport to grant any right or power not immediately before the making of such Order in Council, vested in the Crown or in the Governor in Council, or in some Officer or Department of the Provincial Government,) have force and shall be obeyed, as if they had been contained in this Act, and had made part of the enactments thereof;

Revocation or alteration thereof allowed with consent of grantee, &c.

3. And any such Order in Council may, with the consent of the Grantee, be revoked or amended by any subsequent Order in Council published as aforesaid;—and a copy of the *Canada Gazette* containing any such Order in Council shall be evidence thereof,—and the consent of the Grantee thereto shall be presumed unless disputed by such Grantee, and if disputed, shall be proved by any copy of such Order in Council, on which the consent of the Grantee thereto shall be written and attested by such signature or seal, or both, as would be sufficient to make any Deed or Agreement the Deed or Agreement of such Grantee;

Penalties for offences relative to Public Works,

4. Nothing in this Act, or in any Order in Council made under it, shall exempt any person from any punishment or penalty imposed by or under authority of any Law, for any offence relative to any Public Work,—but so much of any such penalty as would otherwise belong to the Crown, shall, if it be so provided in the Order in Council, belong to the Grantee, otherwise it shall belong to the Crown;—but this shall not prevent the repeal or alteration by the Grantee of any such penalty imposed by the Governor in Council under the authority of any law, if the power to repeal or alter the same is transferred as aforesaid to such Grantee,—or by the Governor in Council with the consent of the Grantee, if such power is not so transferred.

Order in Council transferring any Public Work may extend to certain matters.

78. The provisions and conditions of any Order in Council made under this Act may extend—to the mode of adjusting and determining any difference arising between the Crown and any Company or Municipal Corporation as to their respective rights under the same,—or to the reservation of the right of re-entry by the Crown into possession of any Public Work on the default of such Company or Corporation to perform the conditions agreed upon,—and to the vesting in any Sheriff power to give possession of such Public Work to any Public Officer for the Crown, on any warrant under the hand and seal of the Governor to be addressed to such Sheriff, reciting such default and commanding him to give possession to such Officer for the Crown as aforesaid;—And no enactment made for the purpose of enforcing the provisions of any such Order in Council as aforesaid, shall be deemed an infringement

infringement of the rights of the Company or Municipal Corporation to which it relates; but nothing in this section shall prevent the enforcement of the rights of the Crown in any legal manner not inconsistent with the provisions and conditions of any such Order in Council, and the right of re-entry reserved in any such Order in Council may always be enforced in the manner provided by sections seventy, seventy-one and seventy-two.

Certain powers must be reserved, &c.

79. No Road, Bridge or Public Work shall be transferred to any Company without the reservation of power on the part of the Crown to resume the same at any time after the expiration of a period which shall not exceed ten years, on conditions to be embodied in the Order in Council transferring it: and no such Road, Bridge or Public Work shall be leased to any Company for a longer period than ten years.

Security must be given.

80. No Road, Bridge or Public Work shall be sold or leased to any Company, unless security, real or personal, has been given to the satisfaction of the Governor in Council, for an amount equal to ten per centum of the actual value of such Road, Bridge or Public Work in case of sale, or on the estimated value of such Work in case of lease, and such security shall be forfeited to the Crown in case of non-compliance with the conditions of such sale or lease.

Work to be kept in thorough repair.

81. In every instance, one of the conditions of the sale or lease of any Road, Bridge or Public Work shall be,—that such Work shall be kept in thorough repair, and that, for all the purposes of such contract, sale or lease, the sufficiency of such repair shall be ascertained and decided on by such Engineer as shall be appointed to examine the same by the Commissioner of Public Works.

Acts 12 V. cap. 56, extended to companies formed for purchasing Public Works under this chapter.

82. Subject to the provisions of this Act, the provisions of the Act twelfth Victoria chapter fifty-six, shall extend and apply to any Company in Lower Canada, to be formed for the purpose of acquiring for ever, or for any term of years, any of the Public Roads, Harbours, Bridges or Public Buildings which may be lawfully transferred to any such Company under this Act, or for the purpose of so acquiring and of improving or extending (or both) any such Public Work,—as fully as if such purpose were expressly enumerated in the said Act (12 V. c. 56,) among the purposes for which Companies may be formed under the same,—the form of the instrument of association given in the schedules to the said Act being varied so as to express that the Company is formed under said Act as extended by this Act, and for what purpose it is formed:

Such companies not liable

2. Provided always, that no Company to be so formed for the purpose of acquiring any such Public Work (whether with or without

to certain provisions of the said Act.

without the intention of extending the same) shall be liable to be opposed or prevented from acquiring such work or from using and working the same, by any Municipal Council or other party,—nor shall the Company be bound to make any report respecting such work to any Municipal authority,—nor shall such Municipal authority or the Crown have the right of taking such work at the end of any term of years;—but the provisions of the said Act (12 V. c. 56,) as to such opposition and prevention, or to such report, or to the taking of the works and property of the Company by any Municipal authority or by the Crown, shall apply only to the extension of the same beyond the local limits of the work when transferred to the Company;

Certain sections of the said Act to apply.

3. Nor shall any of the provisions of the said Act (12 V. c. 56,) inconsistent with any lawful provision or condition in any Order in Council legally made under this Act, or with the rights transferred by the same, apply to the Company to which such Order in Council relates;—but nothing herein shall prevent the reservation in any such Order of the power of taking any such work with or without any such extension, and by the Crown or any Municipal authority, on the terms and conditions therein to be expressed;

Proviso.

4. Provided always that the thirty-fifth section of the Act above cited, shall apply to Roads, Bridges and other Works transferred to any Company, and to the Company to whom the same have been transferred as far as regards such Roads, Bridges and Works.

What shall be the maximum tolls to be taken by any such company.

83. The Tolls to be taken by any Company to be formed for the purposes aforesaid, on any such Public Work not being a Road, shall not be regulated by the provisions of the Act (12 V. c. 56,) first mentioned, but the maximum Tolls to be levied on such work by the Company shall be the maximum tolls which can be lawfully levied on such work, under this Act unless some lower maximum be fixed (as it may be) by the Order in Council transferring the work to the Company, or by some further order amending the same, made with the consent of the Company;—and the Tolls to be levied on any Road, or on any extension of such other Public Work shall only be regulated by the Act first mentioned in the absence of any special provision for lower rates in the Order in Council as aforesaid:

As to exemption from toll.

2. Provided always, that no exemption from Tolls on any Road or other Public Work so transferred or on any extension thereof, shall be valid against any Company to be formed under the next preceding section of this Act, except such only as can be validly claimed under the Act (12 V. c. 56,) first mentioned, on works constructed under the authority thereof, unless such exemption from Toll is stipulated in the Order in Council transferring such Public Work to the Company.

84. Any party residing on the line of any Road transferred to any Company or Municipal Corporation under the provisions of this Act, and within half a mile of the limits of any City or Incorporated Town, may commute with such Company or Municipal Corporation for a certain sum per month to be paid by such party to the Company or Corporation for passing and re-passing through the Toll-gate between the residence of such party and the limits of such City or Town, and in default of agreement such commutation may be fixed by arbitration, each party appointing one arbitrator, and the two arbitrators a third, and the decision of any two of such arbitrators being final;—And in default of commutation, either by agreement of award of arbitration, such Company or Municipal Corporation shall be entitled to charge such party or his servants and others passing such gate with his carriages or vehicles, horses or cattle, such Tolls only as will bear the same proportion to the Tolls per mile then charged by the Company or Municipal Corporation to other parties, as the distance between the limits of the said City or Town and the residence of the party first aforesaid bear to one mile.

Provision in favor of parties residing within a certain distance of the limits of any City or incorporated Town.

Tolls on Public Works.

85. The Governor in Council may, by Orders in Council to be issued and published as hereinafter provided, impose and authorize the collection of Tolls and Dues upon any Canal, Harbor, Road, Bridge, Ferry, Slide, or other Public Work, in this Province, vested in Her Majesty, or in the Commissioner of Public Works, or in any Public Officer, person, or body corporate, for the public uses of this Province, or to be acquired therefor,—and from time to time, in like manner, may alter and change such Tolls or Dues, and may declare the exemptions therefrom; and all such Tolls and Dues shall be payable in advance and before the right to the use of the Public Work in respect of which they are incurred shall accrue, if so demanded by the Collector thereof:

Governor in Council may impose tolls for the use of any Public Work, and make regulations for their collection.

Such tolls may be altered.

Provided always, that no such Tolls or Dues shall exceed the maximum rates in the Schedule B to this Act as regards the works in the said Schedule referred to.

Such tolls not to exceed, &c.

86. Any fraction of a ton or of any other quantity mentioned in the Schedule B to this Act as that on which the Tolls to be levied on the said Works are to be calculated, may be considered as a whole ton or quantity.

Fractions how computed.

87. The same Tolls shall be payable on Steamboats or Vessels of any kind and Passengers, brought down the River St. Lawrence, past any of the Canals between Montreal and Kingston, as would be payable on such Steamboats, Vessels or Passengers, if the same had been brought through the Canal or Canals past which they are so brought down; and such Tolls shall

What tolls shall be payable on vessels and passengers coming down the St. Lawrence rapids.

shall be levied in like manner, and under the like penalties and forfeitures for the non-payment thereof.

Governor in Council may alter the place of toll gates, &c.

88. The Governor in Council may from time to time, on the report of the said Commissioner, place the toll-gates on the roads in Schedule A, at such places and such distances from each other as appear to him advisable.

Officers and soldiers on duty to pass toll-free over roads and bridges.

89. Her Majesty's Officers and Soldiers, being in proper uniform, dress or undress (but not when passing in any hired or private vehicle), and all carriages and horses employed in Her Majesty's service, when conveying persons or baggage, shall be exempted from payment of any tolls on using or travelling over any road or bridge named in the Schedule A to this Act annexed, or made or constructed with the public money of this Province: but nothing herein shall exempt any boats, barges, or other vessels employed in conveying the said persons, horses, baggage or stores along any canal, from payment of tolls, in like manner as other boats, barges and vessels are liable thereto.

Boats, &c., conveying the above along any canal, not to be exempt.

In what manner tolls and penalties under this Act shall be recoverable;

90. All tolls and dues imposed under this Act may be recovered, with costs, in any Court having civil jurisdiction to the amount, by the Collector or person appointed to receive the same, in his own name or in the name of Her Majesty, and by any form of proceeding by which debts to the Crown may be recovered:

And how levied.

2. And all pecuniary penalties imposed by this Act, or by any regulation made under the authority thereof shall be recoverable with costs before any Justice of the Peace for the District, County or place in which the offence was committed, upon proof by confession or by the oath of any one credible witness, and may, if not forthwith paid, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand and seal of such Justice; And if sufficient distress cannot be found, and such penalty be not forthwith paid, such Justice may, by warrant under his hand and seal, cause the party offending to be committed to the Common Gaol of the District or County, there to remain without bail or mainprize, for such time as such Justice may direct, not exceeding thirty days, unless such penalty and costs be sooner paid;—And such penalties shall belong to Her Majesty for the use of the Province;

Application of penalties.

Proviso: as to tolls, penalties, &c., accruing or incurred with respect to timber passing any slide, &c.

3. Provided always, in respect to tolls and dues on timber passing any slide, and to penalties for violating any regulation respecting such slides, or for non-payment of such tolls and dues, that the same may be enforced, imposed and collected, by and before any Justice of the Peace within any District or County in the Province in which the timber respecting which such tolls or dues, or the person from whom such payment or penalty is demanded, happens to be at the time application is made to such Justice to enforce payment of the same.

91. The goods on board of any such steamboat, vessel, raft, crib or other craft, or the animal or animals attached to any carriage or vehicle, and the goods contained therein, to whomsoever the same belong, shall be liable for any Tolls, Dues or Fine so to be imposed and levied,—and they or any of them, may be seized, detained and sold in the same manner as the steamboat, vessel or other craft, carriage or vehicle, in which they are or to which they are attached, and as if they belonged to the person or persons contravening any such Regulation,—saving the recourse of the real owners thereof against such person or persons, who shall be deemed the owner or owners thereof for the purposes of this Act.

Goods, &c., in vessels or carriages liable for tolls or fines.

92. All tolls, dues or other revenues imposed and collected on Public Works, shall be paid by the persons receiving the same directly to the Receiver General of the Province, in such manner and at such intervals as may be appointed by him, but such intervals shall in no case exceed one month;—And all such tolls and revenues shall be held to be duties within the meaning of the Act passed in the eighth year of Her Majesty's Reign, chapter four, and shall, as shall all persons concerned in the collection thereof, and all matters therewith connected, be subject to the provisions of the said Act in so far as may be consistent with this Act.

Tolls, &c., to be paid by the person receiving them to the Receiver General, and to be deemed duties within the meaning of 8 V. c. 4.

93. The Governor in Council may order the Tolls at the several gates erected or to be erected on any public road vested in the Crown, or under the management of the Commissioner of Public Works, to be let to farm under such regulations and by such form of lease as he thinks expedient;—and the lessee or farmer of such Tolls, or any person he may appoint, may demand and take such Tolls, and proceed for the recovery of the same in the name of such lessee or farmer, in case of non-payment or evasion thereof, in the same manner and by the same means as are given by law to any Collector of Tolls or other persons authorized to Collect the same.

Tolls at the several toll-gates may be farmed or leased, and the lessees shall have certain rights.

Regulations for use of Public Works.

94. And for the due use and proper maintenance of all such Public Works, and to advance the public good,—the Governor in Council may, by Orders in Council, enact from time to time such Regulations as he may deem necessary for the management, proper use and protection of all or any of the said Public Works, or for the ascertaining and collection of the Tolls and Dues thereon.

Governor in Council may make regulations for the proper use, &c., of any such work.

95. The Governor in Council may by such Orders and Regulations, impose such Fines, not exceeding in any one case one hundred pounds, for any contravention or infraction of any such Order or Regulation, as he deems necessary for ensuring the observance of the same and the payment of the Tolls and

Fines may be imposed by such regulations.

Vessels, &c., may be detained until tolls or fines incurred are paid.

and dues to be imposed as aforesaid, Orders and Regulations provide for t tion and seizure, at the risk of the vessel or other craft, carriage, animal, Tolls or dues have accrued and have pect of which any such Orders or Re travened or infringed, or any injury c and not paid for, or for or on accou been incurred and remains unpaid,— such Tolls, dues, damages or fine be fixed for the purpose, and for the pay Damages or Fine out of the proceeds

But not to affect other provisions for their recovery.

surplus, if any, to the owner or his age shall impair the right of the Crown to Fines or Damages in the ordinary cou Tolls, Dues or Fines may always ninetieth section of this Act.

Miscellaneous Pro

Proof of Orders in Council under this Act.

96. All Proclamations, Regulati made under this Act, shall be pu Gazette, and a copy of such Gazette pu the Queen's Printer, and containing Orders or Regulations, shall be legal

Expenses formerly paid out of the tonnage dues imposed by the repealed Acts, to be defrayed out of the Provincial Funds.

97. The charges and expenses de dues formerly levied under the Acts Vict. cap. 52, shall continue to be pa Revenue Fund of this Province ; and time to time, by Warrant, advance o Treasurer of the Trinity House of Qu of the Trinity House of Montreal, re will, (with any moneys they have in such purposes,) be sufficient to enabl defray all expenses by them lawfully interest and principal of all debts by at the time when the same become manner advance to the proper officer fray any expenses, which, without t be payable out of the tonnage dues in Legislature of Upper Canada thereby

Trinity Houses of Quebec and Montreal not to borrow money.

Provided always, that neither the nor the Trinity House of Montreal, s money, and that the moneys adv the Treasurers of the said Corporatio in the manner by law provided, with and expended by the said Corporatio

Repealing clause.

98. The enactments contained in parts of Acts relating to Public W

of Public Works, that is to say ;—the Act passed in the ninth year of Her Majesty's Reign, chapter thirty-seven,—the Act passed in the session held in the tenth and eleventh years of Her Majesty's Reign, chapter twenty-four,—the Acts passed in the twelfth year of Her Majesty's Reign, chapters four and fifteen,—the Acts passed in the session held in the thirteenth and fourteenth years of Her Majesty's Reign, chapters thirteen and fourteen,—the Acts passed in the session held in the fourteenth and fifteenth years of Her Majesty's Reign, chapters fifty-two and fifty-three, and the first section of the Act passed in the same session chapter fifty-seven,—the Acts passed in the sixteenth year of Her Majesty's Reign, chapters twelve and one hundred and sixty,—the Act passed in the twentieth year of Her Majesty's Reign, chapter nineteen,—and the twelfth and thirteenth sections of the Act passed in the twelfth year of Her Majesty's Reign, chapter five,—which were in force immediately before the day when this Act comes into effect, shall be repealed upon, from and after that day, so far as they are inconsistent with this Act or contain any provision not contained in this Act, and shall be superseded by this Act so far they make the same provision in any case as is made therein by this Act ;—but the enactments in this Act so far as they are the same in effect as those so superseded shall be construed as declaratory and as having been in force from the time when the enactments they supersede respectively became law ;—so that (among other things) all rights acquired, all appointments made and all proceedings commenced under any such enactments shall remain valid and be continued under the corresponding enactments of this Act, as being in effect the same law,—And no Act or Enactment repealed by any Act or Enactment hereby repealed shall revive by reason of such repeal.

9 V. c. 37.

10, 11 V. c. 24.

12 V. cc. 4 and 15.

13, 14 V. cc. 13 and 14.

14, 15 V. cc. 52 and 53, and sect. 1 of c. 57.

16 V. cc. 12 and 160.

20 V. c. 19.

Part of 12 V. c. 5.

Saving provision as to things done under repealed Acts.

SCHEDULE A.

PUBLIC WORKS VESTED IN THE CROWN AND PLACED UNDER THE MANAGEMENT OF THE COMMISSIONERS OF PUBLIC WORKS BY THIS ACT, SUBJECT TO THE EXCEPTION IN SECTION TEN.

NAVIGATIONS, CANALS AND SLIDES.

The Welland Canal and Feeder, with the portion of the Grand River, from Cayuga Bridge to its mouth.

The Welland River, from Port Robinson to its mouth, and the Cut at the Chippewa.

All those portions of the Saint Lawrence Navigation, from Kingston to the Port of Montreal, improved at the expense of the Province.

The

The Lock and Dam at Saint Anne's.

The Scugog River Navigation, and the Navigations connected therewith, viz: From the head of the Lake Scugog to Fenelon Falls, and from thence to Mud Lake and Buckhorn Rapids, by Sturgeon, Pigeon and Buckhorn Lakes. Provided always, that this shall not divest the proprietors of the hydraulic privileges heretofore occupied, possessed or enjoyed by them, or enable Her Majesty, Her Heirs or Successors to grant any new privilege to other parties.

That portion of the Otonabee River, between Peterborough and Rice Lake, with the Lock and Dam at Whitlas' Rapids.

The Rice Lake, and the River Trent from thence to its mouth, including the Locks, Dams and Slides between those points.

All such portions of the Ottawa River, from the City of Ottawa upwards, as have been or shall be improved at the expense of the Province. The Ordnance Canals below the City of Ottawa, and the Rideau Canal and Works.

The Lock and other improvements on the River Richelieu.

The Madawaska River, from the head of the Ragged Chute to the Chats' Lake.

HARBOURS,—LAKE ERIE.

Rondeau Harbour, including the Piers, Breakwaters, and Inner Basin.
Port Stanley Harbour and Inner Basin.
Port Burwell do. do.
Port Dover do. do.
Port Maitland do. do.
Port Colborne do. do.

LAKE ONTARIO.

Port Dalhousie Harbour.
Burlington Bay Canal.
Windsor Harbour.

ROADS.

The Main Provincial Road from Quebec to Sandwich.
The Main Road from Queenston to Hamilton.
The Port Hope and Rice Lake Road.
The Windsor, Scugog and Narrows Bridge Road.
The Main North Road, from Toronto to Lake Huron, at Penetanguishene.
The Hamilton and Port Dover Road.

The

The London and Port Stanley Road.

The Road from the Village of Dundas to the Township of Waterloo mentioned in the Act of the Legislature of Upper Canada passed in the seventh year of the Reign of King William the Fourth, and intituled, "An Act to authorize the construction of a Macadamized Road from Dundas to Waterloo, in the Gore District."

The bridge over the River Don, on the Kingston Road, at the east end of the City of Toronto, and the said Kingston Road east of the said River, shall not be held to be within the said City or the Liberties thereof, or be under the control of the Corporation thereof, but shall remain under the control of the Commissioner of Public Works, or of any party to whom they may be transferred by order of the Governor in Council.

And the Tolls collected under this Act upon each Road shall be applicable to the improvement of the Road, and the extension of the improved portion thereof,—and the debt due by any Commissioners, District Council or public body, on that portion of any road under the control of the Commissioner of the Public Works, being thereafter payable out of the Provincial Funds.

Provided always, that the Montreal and Quebec Turnpike Trusts, and such portions of the said Roads, respectively, as lie within the limits of any incorporated City or Town, shall not be under the management of the said Commissioner; nor shall such portions of the said Roads as may from time to time be exempted by Proclamation issued by order of the Governor in Council, from the operation of this Act, which portions shall during the period of such exemption, remain subject to the same authorities and provisions of Law as if this Act had not been passed.

BRIDGES.

The Chaudière Bridge near Quebec.
The Cap Rouge Bridge.
The St. Anne de la Pérade Bridge.
The Batiscan Bridge.
The St. Maurice Bridge.
The Union Suspension and other Bridges over the Ottawa River between the city of Ottawa and Hull.
The Trent Bridge at the mouth of the Trent.
The Bridge at the Narrows of Lake Simcoe.
The Dunville Bridge.
The Caledonia Bridge.
The Brantford Bridge.
The Paris Bridge.
The Delaware Bridge.
The Chatham Bridge.

PUBLIC WORKS GENERALLY.

And all other Canals, Locks, Dams, Slides, Bridges, Roads or other Public Works, of a like nature, constructed or to be constructed, repaired or improved at the expense of the Province.

SCHEDULE B.

TABLE OF THE MAXIMUM TOLLS TO BE LEVIED UNDER THIS ACT.

	£	s.	d.
On Goods and Merchandize passing through all the Canals between Montreal and Kingston, upwards, per ton weight	0	7	6
The same, downwards	0	5	0
On Steamboats or other vessels, passing through the same, upwards, per ton burthen	0	3	0
Do do do downwards, per ton burthen.	0	0	1½
On Passengers of or over 21 years of age, upwards, each	0	0	6
Do do do downwards, each	0	0	3
Do do under the said age, upwards, each	0	0	3
Do do do downwards, each	0	0	1½
The same Tolls being payable on Goods and Merchandize brought down the River Saint Lawrence past any section or sections of the said Canals, as if they had been brought through the same, excepting always timber brought down in rafts or cribs, and having been cut upon the banks of the Saint Lawrence or Ottawa Rivers, or of the Bay of Quinté, or of the streams running into either of the said Rivers or Bay.			
On Goods and Merchandize passing through the Welland Canal, upwards or downwards, per ton weight	0	7	6
On Steamboats or other vessels passing through the same, upwards or downwards, per ton burthen.	0	0	1½
On Passengers of or over 21 years of age, upwards or downwards, each	0	0	6
Do do under 21 years of age, upwards or downwards, each	0	0	3
On Goods and Merchandize passing through the Chambly Canal, upwards or downwards, per ton weight	0	2	6
On Steamboats or other vessels passing through the same, upwards or downwards, per ton burthen	0	0	1½
On Passengers of or over 21 years of age, upwards or downwards, each	0	0	6
Do do under 21 years of age, each	0	0	3

And

And on Goods, Vessels, or Passengers passing through any portion or section of the said Canals, respectively, such portion of the above rates as the Governor in Council deems expedient.			
On Goods and Merchandize, Vessels and Passengers passing through any of the Locks mentioned in the Schedule A annexed to this Act, or hereafter to be constructed, and not being on any of the Canals aforesaid, per ton weight, upwards or downwards, at each Lock	0	0	3
On Steamboats and other vessels, upwards or downwards, per ton burthen	0	0	1
On Passengers of or over 21 years of age, upwards or downwards, each	0	0	4
Do do under 21 years of age, upwards or downwards, each	0	0	2
For the use of the several Public Harbours mentioned in the said Schedule A,—			
For each ton weight of Goods or Merchandize landed or shipped	0	5	0
On Steamboats and other Vessels using any such Harbour, per ton burthen, per diem	0	0	0¼
On Passengers embarked or disembarked, of or over 21 years of age, each	0	0	1
Do do do under 21 years of age, each	0	0	0½
For the use of the several Slides mentioned in the said Schedule A,—			
For each Crib of hard wood Timber, Masts, Staves or Sawed Lumber	0	12	6
For each Crib of other Timber or of Saw Logs	0	10	0
On the several Public Roads mentioned in the said Schedule A, at each gate thereon, and for each time of passing such gate,—			
For each vehicle of any kind and one horse or other beast of draught and not more than ten hundred weight of load, (each additional ten hundred weight being reckoned as one horse, and any fraction of ten hundred weight as ten hundred weight)	0	0	6
For each additional horse or beast of draught attached to such vehicle, or saddle horse, or other beast and its rider	0	0	2
For each horse not attached to any vehicle and without a rider, ox, cow, or head of cattle, or non-enumerated quadruped	0	0	1
For each sheep, pig, or goat	0	0	0½
On the several Public Bridges mentioned in the said Schedule A, and for each time of passing over the same,—the same Tolls as on the Public Roads aforesaid for animals and carriages;— and for each foot passenger	0	0	1

CAP. IV.

An Act to make uniform provision for the distribution of the separate property of the members of partnerships in Lower Canada.

[*Assented to 26th March*, 1859.]

Preamble.

WHEREAS it is expedient to make uniform provision for the manner in which, in Lower Canada, the joint property of a firm and the separate estate of each of the partners should be distributed among the creditors of such firm and the separate creditors of each partner: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Creditors of the firm to rank first on partnership estate, and separate creditors of each partner first on his separate estate.

1. The rule of law to be followed in the distribution of the joint stock or property of a firm and of the separate estate of each of the partners taken in execution or otherwise brought, or hereafter to be taken in execution or otherwise brought into Court for distribution, shall be the following, that is to say: That the net proceeds of the partnership estate be appropriated in the first instance to pay the creditors of the firm, and that the net proceeds of the separate estate of each partner be appropriated in the first instance to pay his separate creditors, and that if there be any balance of the separate estate of any partner after payment of his debts, such balance be added to the proceeds of the partnership estate, if necessary, for the payment of the creditors of the firm; and that if there be any balance of the partnership estate after payment of the debts of the firm, such balance be appropriated among the separate estates of the respective partners according to their rights and interest therein; and that the sum so appropriated to the separate estate of any partner be applied to the payment of his separate debts, if necessary.

Act limited to L. C.

2. This Act shall apply only to Lower Canada, and shall not affect any judgment of distribution rendered before its passing.

CAP. V.

An Act to facilitate the constituting of Sections of the Bar, and the establishment of Boards of Notaries, in the new Judicial Districts in Lower Canada.

[*Assented to 26th March*, 1859.]

Preamble.
20 Vic. c. 44.

WHEREAS it has become necessary to extend the provisions of "The Lower Canada Judicature Act of 1857," for the constitution of Sections of the Bar and for the establishment

establishment of Boards of Notaries in the new Judicial Districts in Lower Canada: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Governor may, by Proclamation, constitute a section of the Bar within certain assigned limits.

1. The Governor may, whenever circumstances shall, in his opinion, render it expedient that a section of the Bar of Lower Canada should be constituted in and for any District or Districts which he shall think fit to assign as the local limits thereof, issue his Proclamation declaring the same; and upon, from and after the date of any such Proclamation, the District or Districts therein mentioned shall, under the name of "*Bar of Lower Canada, Section of the District* (or *Districts of* ", constitute a separate section of the Bar, and all the provisions of the Act passed in the twelfth year of Her Majesty's reign, chapter forty-six, intituled, *An Act to incorporate the Bar of Lower Canada*, so far as it is not otherwise provided by this Act, and all subsequent Acts in so far as they affect Students at law, shall apply to such section in the same manner as if it had been named in the said Act.

Act 12 V. c. 46, &c., to apply.

Council of such section.

2. The Council of every such section shall consist of three members of the Bar, besides a Batonnier, Syndic, Treasurer and Secretary.

First Election in such section.

3. The first election of the Council in any such section shall take place within three months after the date of such proclamation, at a meeting to be held at the Court House of the District of the section for which such election shall take place, which meeting shall be called by at least five members of the Bar practising within the limits of the section, by public notice to be inserted in the *Canada Gazette* at least fifteen days before such meeting, and by a public notice posted up at the Court House of the section where such meeting shall take place, at least eight days before such meeting; Provided always, that if the limits of such section include two or more Districts, the place at which the election shall be held, shall be named in such proclamation, and the notice of such meeting shall be posted up at the Court House of each District within the limits of such section; and the ordinary meetings of the Council and of the members of any such section shall be held at the place where such first election shall have taken place.

Notice.

If the section includes more than one District.

Place of meeting of Council.

No election unless 8 Members are present.

4. No such election shall take place unless there be present at the meeting so called, at least eight members of the Bar practising within the limits of the section.

Governor may, by Proclamation, constitute a Board of Notaries, for any Dis-

5. The Governor, whenever it shall appear to him that circumstances render it expedient, may issue a proclamation authorizing the establishment of a Board of Notaries in and for any District or Districts which he shall think proper to assign as the local limits within which such Board shall have jurisdiction;

trict or Districts.

jurisdiction; and any Board of Notaries established under such authority shall have all the powers, rights and privileges vested in or by law belonging to any now existing Boards of Notaries, so far as it is not otherwise provided by this Act.

Number of Members. Quorum.

6. Every such Board shall be composed of nine members, and the quorum for the despatch of business shall be six.

Time of first election.

7. The first election of members of any such Board shall take place within three months after the date of such proclamation, at a meeting to be held at the Court House of the District for which such Board is to be established, which meeting shall be

Notice.

called by the Prothonotary of the District, by public notice to be inserted in the *Canada Gazette* at least fifteen days before such meeting, and by a public notice posted up at the Court House of the District where such meeting shall take

Proviso: If the Board be for more than one District.

place, at least eight days before such meeting; Provided always that if such Board be for more than one District, the place at which the election shall be held, shall be named in such proclamation, and the notice of such meeting shall be given by the Prothonotaries jointly, and shall be posted up at the Court House of each District for which such Board is to be established.

Subsequent elections after the first.

8. All subsequent elections shall be held at the times and in the manner prescribed by the Acts regulating the now existing Boards of Notaries; and meetings of any Board of Notaries established under the authority of this Act shall be held at the place where the first election shall have taken place, and shall be called in the manner prescribed by the

Notice.

above Acts, but by insertion of a notice thereof in the French and English languages in the *Canada Gazette;* and the said

Certain Acts, to apply.

Acts and all Acts affecting Notarial Students, shall in all respects apply as fully to the Boards to be hereafter established as they now apply to those already established, except as hereinbefore specially provided.

If the Advocates or Notaries in any Section fall below a certain number, the Section or Board may be dissolved by Proclamation.

9. Whenever it shall be made known to the satisfaction of the Governor that within the limits of any section of the Bar of Lower Canada, or within the limits of the jurisdiction of any Board of Notaries, which may have been respectively constituted or established under the authority of a Proclamation, that the number of Members of the Bar or of Notaries, practising therein respectively, has been so reduced as to be insufficient for the working of any such section of the Bar or Board of Notaries, it shall be

Effect of such dissolution.

lawful for him to dissolve, by proclamation, such section or Board, and to unite, from and after a day to be mentioned in such proclamation, the limits within such section or under the jurisdiction of such Board, or any District embraced therein, to some other section or sections, or to the limits of some other

other Board or Boards; and any such section or Board so dissolved shall be subject to the laws and regulations governing the section or Board to which it shall be united and of which it shall become part.

CAP. VI.

An Act to restrain the sale of intoxicating liquors from Saturday night till Monday morning.

[*Assented to 26th March*, 1859.]

Preamble.

WHEREAS it is expedient to restrain the sale of intoxicating liquors during certain periods: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

No intoxicating liquors to be sold at certain times, in any tavern, etc.

1. In all places where, by the laws of that part of this Province called Upper Canada, intoxicating liquors are or may be allowed to be sold by wholesale or retail, no sale or other disposal of the said liquors shall take place therein or on the premises thereof, or out of or from the same, to any person or persons whomsoever, from or after the hour of seven of the clock on Saturday night till the hour of eight of the clock on Monday morning thereafter, and during any further time on the said days and any hours on other days during which by any By-law of the Municipality wherein such place or places may be situated, the same or the bar-room or bar-rooms thereof ought to be kept closed, save and except to travellers lodging at, or ordinary boarders lodging at the place or places where such liquor is sold, and save and except in cases where a requisition, for medicinal purposes, signed by a licensed medical practitioner or by a justice of the peace, is produced by the vendee or his agent, nor shall any such liquors be permitted or allowed to be drunk in any such places, except as aforesaid, during the time prohibited by this Act for the sale of the same.

Exception.

Nor shall such liquor be drunk on the premises during the same.

Penalty.

First offence.

Second offence.

Third offence.

Fourth offence.

2. A penalty for the first offence of not less than twenty dollars, with costs, in case of conviction, shall be recoverable from, and leviable against the goods and chattels of the person or persons who are the proprietors in occupancy, or tenants or agents in occupancy, of said place or places, who shall be found by himself or herself or themselves or his, her or their servants or agents, to have contravened the enactment in the first section hereof, or any part thereof;—for the second offence, a penalty against all such of not less than forty dollars, with costs,—for a third offence, a penalty against all such of not less than one hundred dollars, with costs, and for a fourth or any after offence, a penalty against all such of not less than three months' imprisonment with hard labor, in the common gaol of the County wherein such place and places

Proof of former offence.

may be, the number of said offences to be ascertained by the production of a certificate from the convicting Justice, or by other satisfactory evidence to the Justice before whom the information or complaint may be made; and it is hereby enacted that convictions for several offences may be made under this Act although such offences may have been committed in the same day: Provided always, that the increased penalties hereinbefore imposed shall only be recoverable in the case of offences committed on different days.

Proviso.

Who may prosecute.

Limitation of suits.

3. Any person or persons may be the informant or informants, complainant or complainants, in prosecuting under this Act; all proceedings shall be begun within twenty days from the date of the offence, all informations, complaints or other necessary proceedings may be brought and heard before any one or more Justices of the Peace of the County where the offence or offences were committed or done, and the mode of procedure in, and the forms appended to, the Act sixteenth Victoria, chapter one hundred and seventy-eight, for summary proceedings, may be followed as regards the cases and proceedings under this Act.

Procedure.

Application of penalties.

4. The said penalties in money, or any portion of them which may be recovered, shall be paid to the convicting Justice or other acting Justice in the case, and by him paid equally, one half to the informant or complainant, and the other half to the Treasurer of the Municipality where the place or places referred to are situated.

Interpretation.

5. The word "Liquors" shall be understood to mean and comprehend all spirituous and malt liquors, and all combinations of liquors or drinks which are intoxicating.

Act limited to U. C.

6. This Act shall apply to Upper Canada only.

CAP. VII.

An Act to enable County Councils to raise money for assisting persons in certain cases to sow their land, and for other purposes.

[*Assented to 26th March*, 1859.]

Preamble.

WHEREAS from the failure last year of the crops in some of the townships of Upper Canada, many persons will not be able to procure seed, without assistance, and it is expedient to empower County Councils to raise money for their relief: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

County Councils may raise money for procuring seed, &c.

1. Notwithstanding any law in force in Upper Canada, the Council or Provisional Council of any County may pass a By-law or By-laws for raising money not exceeding in the whole twenty thousand dollars, to be expended in the purchase of seed, and for the relief of persons suffering from the failure of the crops, and for no other purpose; and the debentures issued under such By-laws shall be a charge on the County.

Form of By-law, &c.

2. Such By-law shall be in the form of Schedule A to this Act, and the sections numbered 222, 223 and 224 of the Upper Canada Municipal Act of 1858, shall not apply thereto.

Money to be lent to Township Councils. Special rate to re-pay it.

3. The County Council or Provisional County Council shall lend the money so raised, in such sums as they may deem expedient, to Township Councils requesting the same, and shall impose and levy a special rate in each year against the Municipality so borrowing, over and above all other County rates, until the loan and interest are repaid.

Township Councils may lend to individuals;

4. The Township Councils shall lend the money so borrowed, and may also lend any surplus Township funds in their possession not otherwise appropriated, to the persons aforesaid, for the purposes aforesaid.

Or purchase and lend seed.

5. The Township Councils, if they deem it expedient, may purchase seed and deliver the same to the persons aforesaid, in place of the money.

Council to fix time for repayment; mode of securing or enforcing payment.

6. The Township Council shall, by By-law, declare the time within which such loan shall be repaid, and shall impose, levy and collect a special annual rate, over and above all other rates, against the estate, real and personal, of the party borrowing, and all the rights and remedies shall apply thereto which now or at any time hereafter shall apply to the collection of any other rate or tax upon such land, or the Council, if it see fit, may take other security, real or personal, for the payment of such loan.

Money raised to be applied solely to purposes of this Act.

7. No money raised under this Act shall be applied to any other purpose, and any surplus thereof unapplied shall be added to the sinking fund for the redemption of the County Debentures issued as aforesaid.

Money and seed lent not to be attached.

8. No money lent or seed delivered under this Act shall be seized in execution, garnished or attached.

No such By-law to be passed after 1st Nov., 1859.

9. No By-law shall be passed and no Debentures shall be issued under any By-law passed in pursuance of this Act after the first day of November, one thousand eight hundred and fifty-nine.

A certain By-law of Bruce County, confirmed.

10. The By-law hereto annexe the Provisional Municipal Council of passed on the twenty-sixth day of F " By-law for providing means to relieve and increasing in the County of Bruce, ciency of seed-grain and provisions for the ensuing harvest," shall have the sam passed under the authority of this Act, a the same conditions and restrictions, for redemption of the said Debentures and the accruing on the said Debentures as if the precise words of Schedule A of this Act.

Act limited to U. C.

11. This Act applies to Upper Canad

SCHEDULE A.

BY-LAW No.

Enacted by the County Council of the C under and by virtue of the Statute of this year one thousand eight hundred a *An Act to enable County Councils to r persons in certain cases to sow their la poses.*

Whereas it is expedient to raise the s applied for the purposes in the said Statu fore enacted, under the authority of the said sum be forthwith raised for such Warden do cause debentures of the Co issued for the sum of $, which Debe within ten years, at furthest, from the bear interest at the rate of six per cent. half yearly, on the thirtieth day of June December in each year, principal and in , in the Town of .

And whereas the sum of $ will re nually for paying the said debt and inte the manner aforesaid, and whereas the rateable property in the said County, ac vised Assessment Rolls, amounts to $ further enacted, that the sum of in gross rateable value of property be levied year, over and beyond all other rates, ge the purpose of paying the interest on a fund to pay the said sum of $ rais of this By-law and the Statute aforesaid.

SCHEDULE B.

BY-LAW

ding means to relieve the destitution existing and in-
g in the County of Bruce, and to supply a sufficiency
grain and provisions for the inhabitants prior to the
harvest.

s an unforeseen and sudden emergency has occurred,
in consequence of the failure of the crops, there is
ciency of grain in the County of Bruce to sustain the
, and supply seed for the approaching Spring;

ereas it is urgently necessary to take timeous steps
ch an emergency, and adopt the most advisable mode
ing the consequent distress, which it is believed would
t accomplished by the opening and improvement of
oughout the County, and thus providing profitable
the inhabitants;

ereas there is good reason to believe that the several
of the Legislature, fully alive to the necessity of aiding
he necessary relief, will, by special Act of Parlia-
lize this By-law, having for its object the supplying
ve stated wants of the inhabitants of the County of

ereas it is expedient for the Provisional Municipal
on of the said County of Bruce, to raise, by way of
um of eight thousand five hundred pounds currency
, for the purposes above recited;

ereas it will require the sum of eleven hundred and
unds to be raised annually by special rate for paying
ebt and interest at the rate of six per cent per annum,
rs from the day on which this By-law will take effect;

ereas the amount of the whole rateable property in
y of Bruce, according to the last revised Assessment
ix hundred and fifty-four thousand three hundred and
pounds;

ereas the annual special rate in the pound for paying
st and creating a yearly sinking fund for paying the
of the said debt according to law, is, in addition to
ates, seventeen-fortieth parts of a penny in the pound;

ereas the said Provisional Municipal Corporation of
County of Bruce, have agreed to raise the said sum of
sand five hundred pounds currency, by way of loan,
rposes aforesaid:

Be

A certain By-law of Bruce County, confirmed.

10. The By-law hereto annexed as Schedule B, of the Provisional Municipal Council of the County of Bruce, passed on the twenty-sixth day of February last, intituled, "By-law for providing means to relieve the destitution existing and increasing in the County of Bruce, and to supply a sufficiency of seed-grain and provisions for the inhabitants prior to the ensuing harvest," shall have the same force and effect as if passed under the authority of this Act, and shall be subject to the same conditions and restrictions, for levying of taxes for the redemption of the said Debentures and the payment of the interest accruing on the said Debentures as if the said By-law was in the precise words of Schedule A of this Act.

Act limited to U. C.

11. This Act applies to Upper Canada only.

SCHEDULE A.

BY-LAW No.

Enacted by the County Council of the County of , under and by virtue of the Statute of this Province passed in the year one thousand eight hundred and fifty-nine, intituled, *An Act to enable County Councils to raise money for assisting persons in certain cases to sow their land, and for other purposes.*

Whereas it is expedient to raise the sum of $, to be applied for the purposes in the said Statute set forth: Be it therefore enacted, under the authority of the said Statute, That the said sum be forthwith raised for such purposes, and that the Warden do cause debentures of the County of to be issued for the sum of $, which Debentures shall be payable within ten years, at furthest, from the date hereof, and shall bear interest at the rate of six per cent. per annum, payable half yearly, on the thirtieth day of June and thirty-first day of December in each year, principal and interest to be payable at , in the Town of .

And whereas the sum of $ will require to be raised annually for paying the said debt and interest at the time and in the manner aforesaid, and whereas the amount of the whole rateable property in the said County, according to the last revised Assessment Rolls, amounts to $; Be it therefore further enacted, that the sum of in the dollar on the said gross rateable value of property be levied and collected in each year, over and beyond all other rates, general and special, for the purpose of paying the interest on and creating a sinking fund to pay the said sum of $ raised under the authority of this By-law and the Statute aforesaid.

SCHEDULE

SCHEDULE B.

BY-LAW

For providing means to relieve the destitution existing and increasing in the County of Bruce, and to supply a sufficiency of seed, grain and provisions for the inhabitants prior to the ensuing harvest.

Whereas an unforeseen and sudden emergency has occurred, whereby, in consequence of the failure of the crops, there is not a sufficiency of grain in the County of Bruce to sustain the population, and supply seed for the approaching Spring;

And whereas it is urgently necessary to take timeous steps to meet such an emergency, and adopt the most advisable mode of alleviating the consequent distress, which it is believed would be the best accomplished by the opening and improvement of roads throughout the County, and thus providing profitable labour to the inhabitants;

And whereas there is good reason to believe that the several branches of the Legislature, fully alive to the necessity of aiding to afford the necessary relief, will, by special Act of Parliament, legalize this By-law, having for its object the supplying of the above stated wants of the inhabitants of the County of Bruce;

And whereas it is expedient for the Provisional Municipal Corporation of the said County of Bruce, to raise, by way of loan, the sum of eight thousand five hundred pounds currency or thereby, for the purposes above recited;

And whereas it will require the sum of eleven hundred and fifty-six pounds to be raised annually by special rate for paying the said debt and interest at the rate of six per cent per annum, in ten years from the day on which this By-law will take effect;

And whereas the amount of the whole rateable property in the County of Bruce, according to the last revised Assessment Rolls, is six hundred and fifty-four thousand three hundred and fifty-nine pounds;

And whereas the annual special rate in the pound for paying the interest and creating a yearly sinking fund for paying the principal of the said debt according to law, is, in addition to all other rates, seventeen-fortieth parts of a penny in the pound;

And whereas the said Provisional Municipal Corporation of the said County of Bruce, have agreed to raise the said sum of eight thousand five hundred pounds currency, by way of loan, for the purposes aforesaid:

Be

Be it enacted by the Provisional Municipal Corporation of the County of Bruce, in Council assembled, as follows:

First.—It shall and may be lawful for the Provisional Warden of the said County to raise, by way of loan, at a rate of interest not exceeding six per cent per annum, from any person or persons, body or bodies corporate or politic, who may be willing to advance the same upon the credit of Debentures hereinafter mentioned, a sum of money, not exceeding in the whole the sum of eight thousand five hundred pounds currency, and to cause the same to be lodged in the office of the agency of the Bank of Upper Canada at Southampton, to be applied according to the intent and meaning of this By-law, and for the purposes above mentioned;

Second.—It shall and may be lawful for the said Provisional Warden to cause such number of Debentures to be made out from time to time, and for such sums, as he may be authorized by the said Provisional Municipal Corporation, but not exceeding in the whole the said sum of eight thousand five hundred pounds currency, as any person or persons, body or bodies corporate or politic, shall agree to advance upon the credit of the said Debentures, and the special rate hereinafter imposed; Provided always that the said Debentures shall not be for less sums than one hundred pounds each;

Third.—The said Debentures shall be payable in the currency money of this Province, and shall bear interest from the dates thereof at the rate of six per cent per annum, which interest shall be payable at the Office of the Bank of Upper Canada in Toronto, on the twenty-fifth day of January, in each year, and they shall be sealed with the Seal of the Corporation, and signed by the Provisional Warden, and shall have coupons attached to each for the said interest, and the said Debentures, shall be payable in ten years from the day on which this By-law shall take effect;

Fourth.—For the payment of the said Debentures and the yearly interest thereon, there shall be levied and raised on the whole rateable property in the said County according to the last revised Assessment Rolls for the same, a special rate in each year during the said period of ten years, and in addition to all other rates whatsoever, of seventeen-fortieth parts of a penny in the pound, or a rate equivalent thereto on the whole rateable property in the several Townships and Incorporated Villages in the County in which portions of said amount have been expended, and in proportion to the amount so expended in each, to pay the interest on the said Debentures in each year, and for the purpose of creating a yearly sinking fund for the payment and redemption of the same.

Fifth.—

Fifth.—That this By-law shall take effect, and come into operation on the day, and so soon as, an Act of the Provincial Parliament for legalising the same shall become law.

Passed February 25th, 1859.

(County Seal.)

(Signed), J. VALENTINE,
Pro. Warden.

(Signed), Wm. C. Bruce,
Pro. Clerk.

We certify that the above is a true and correct copy of a By-law passed by the Provisional Municipal Corporation of the County of Bruce, on the twenty-fifth day of February, in the year of Our Lord one thousand eight hundred and fifty-nine.

J. VALENTINE,
Pro. Warden.

Wm. BRUCE,
Pro. Clerk, County of Bruce.

Paisley, 26th February, 1859.

CAP. VIII.

An Act to detach the local Municipality of the Parish of St. Antoine de l'Isle aux Grues from the Municipality of the County of Montmagny, and to erect the same into a separate local Municipality.

[*Assented to 26th March*, 1859.]

Preamble. WHEREAS the Parish of St. Antoine de l'Isle aux Grues, and the Islands adjacent, in the County of Montmagny, are separated from the main land by a wide expanse of water, and it has become requisite that these localities together should form a Municipality, separate from and independent of any County Municipality: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

St. Antoine detached from Montmagny and made a separate Municipality. 1. Upon, from and after the first day of January next, the Parish of St. Antoine de l'Isle aux Grues, and the Islands adjacent thereto, in the county of Montmagny, shall, together constitute a distinct and separate Municipality, under the name of the Local Municipality of the Parish of St. Antoine de l'Isle aux Grues, which said Municipality shall not form part of any County Municipality, but shall continue to have its local council as provided by the Lower Canada Municipal

Municipal and Road Act of 1855, and the Acts amending the same; and all appeals and revisions which ought to be made to and by County Municipalities, in virtue of the said Acts, shall be made to and by the Circuit Court within whose jurisdiction the said Municipality lies, and the said Court is hereby specially authorized to take cognizance thereof, and give judgment therein as the County Municipality and in the same manner, the Clerk of the said Court acting in the stead of the Clerk of the Council; but the said Isle aux Grues shall continue to form part of the said County for all other purposes.

As to appeals, revisions, &c.

Public Act.

2. This Act shall be deemed a Public Act.

CAP. IX.

An Act to enable the Rector of the Protestant Parish of Montreal, with the consent of the Bishop and Church Wardens, to raise a loan on certain Church property for the purpose of finishing the Parish Church.

[*Assented to 26th March*, 1859.]

Preamble.

WHEREAS the Very Reverend John Bethune, Doctor of Divinity, Dean of Montreal, and Rector of the Parsonage or Rectory and Parish Church of Montreal, hath by his Petition to the Legislature represented, that the former Parochial Church of the said Parish having been consumed by fire, and the site thereof having been thereafter sold, he the said Very Reverend John Bethune, in his capacity aforesaid, hath purchased the lot of ground hereinafter mentioned and described, as a site for building a new Parochial or Parish Church of the said Parish, and such new Church hath in great part been built thereon, but cannot for want of sufficient funds be completed; and the Petitioner hath prayed for authority to raise a loan for the purpose of completing the said Church, on the security of the said lot of ground and of the Church and buildings thereon, which prayer it is expedient to grant: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

The Rector, with the consent of the Bishop and Church Wardens, may raise money on the security of certain Church property.

1. It shall be lawful for the said Very Reverend John Bethune, or his successor or successors in office, as the Rector of the Parsonage or Rectory and Parish Church of Montreal, with the consent of the Bishop of the Protestant Diocese of Montreal for the time being, and of the Church Wardens of the said Parish, for the time being, to borrow a sum or sums not exceeding in the whole ten thousand pounds, currency, from such party or parties as may be willing to lend the same, and at such rate of interest and on such terms and conditions

conditions as may be agreed upon,—for the purpose of completing the said New Parochial Church of the said Parish,—and for securing the repayment of the sum so borrowed, to hypothecate, with the consent aforesaid, the lot of ground hereinafter described, with the Church and other buildings thereon, all which are now vested in the said very Reverend John Bethune and his successors in his office aforesaid; that is to say: All that lot of ground situate, lying and being in the said City of Montreal, and forming one block; bounded as follows: to the north-east by Union Avenue, to the south-east by St. Catherine street, to the south-west by University street, and on the north-west by the property of the Lord Bishop of Montreal aforesaid, and containing, the said block, two hundred and eighty-one feet in width on Union Avenue and a like width on University street, by one hundred and ninety-eight feet in depth on St. Catherine street from Union Avenue to University street, and one hundred and ninety-five feet ten inches from the same to the same at the rear or north-west end, the whole English measure,—and in default of due payment of any sum for securing which the said lot of land, Church and buildings shall be hypothecated as aforesaid, the said land, church and buildings may be seized in execution, in satisfaction of any judgment obtained for such sum, sold by the Sheriff, and adjudged, and shall belong to and may be dealt with by the purchaser (or *adjudicataire*) in like manner as any other real property seized and sold in execution, and notwithstanding the said Church and premises may have been set apart, consecrated and used for Public Worship—any law, usage or custom to the contrary notwithstanding.

Lot described.

In default of payment the said lot may be sold in execution, &c.

2. This Act shall be deemed a Public Act.

Public Act.

CAP. X.

An Act to amend and explain *An Act to define the Elective Franchise, to provide for the Registration of Voters, and for other purposes therein mentioned.*

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is, in and by the fourth section of the Act passed in the twenty-second year of Her Majesty's Reign, and intituled, *An Act to define the Elective Franchise, to provide for the Registration of Voters, and for other purposes therein mentioned*, amongst other things enacted, that the Clerk of each Municipality in Upper Canada shall, after the final revision and correction of the Assessment Roll, forthwith make a correct alphabetical list of all persons entitled to vote at the election of a Member of the Legislative Council and Assembly within such Municipality, according to the provisions of the said Act; and that all such lists shall be completed and delivered as thereinbefore mentioned on or before the first day of October in

22 V. c. 82.

in each year; And whereas doubts have arisen as to the effect of the enactment requiring that the said lists should be completed and delivered on or before the first day of October in each year: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, declares and enacts as follows:

True intent of the provision appointing the time for the completion of the List of Voters under section 4.

1. It was and is the meaning and intention of the said Act and of the clause hereinbefore recited, that the period therein mentioned within which the lists should be completed and delivered, that is to say, the first day of October, in each year, shall be directory only to the Clerk of each Municipality in Upper Canada, and that nothing therein contained should render null, void or inoperative the said lists, in the event of their not being completed and delivered as in the said Act mentioned on or before the period aforesaid, but that the said lists shall be valid and effectual for the purposes of the said Act, even though not so completed and delivered by the said period of time.

Penalty for not complying with the said section.

2. If any Clerk of a Municipality in Upper Canada shall omit, neglect or refuse to complete or deliver the said lists on or before the first day of October in each year, according to the directions of the fourth section of the said Act, or to perform any of the obligations or formalities therein required of him, such Clerk for each such omission, neglect or refusal, shall incur a penalty of two hundred dollars.

This section to apply only to L. C.

And, for avoiding doubts under those provisions of the said Act which relate to Lower Canada, it is declared and enacted by the following sections of this Act which apply only to Lower Canada, as follows:

Valuators or Assessors in L. C. to insert certain matters in their Rolls.

18 V. c. 100.

3. Notwithstanding any thing contained in *The Lower Canada Municipal and Road Act of* 1855, in the Acts amending the same, or in any Act incorporating any City or Town in Lower Canada, every Assessor, Valuator or other person employed to make the Valuation or Assessment Roll of property in any City, Town, Village, or other local Municipality in Lower Canada, shall insert in such roll, in separate columns and in addition to the information now required by law to be inserted, the actual value of every real property, the annual value of, or income derived or derivable from every such property, and the names of the owners, tenants or occupants (each in separate columns) of every such property:

Payments in produce, &c., to be reckoned part of the rent.

2. And whenever the rent, or any part of the rent of any real property is made payable in produce, or otherwise than in money, or any premium is paid, or any improvements are to be made by the tenant, or any other consideration is stipulated in favor of the owner, in reduction of the rent,—the Assessor or Valuator shall take into consideration and allow for such produce,

produce, premium, improvement or consideration in establishing the annual rent or value of such property.

Valuation or Assessment Rolls to be attested on oath.

4. Every Valuation or Assessment Roll, every revised Valuation or Assessment Roll, and every List of Voters, made under the provisions of this Act, of the Acts hereby amended, or of any other Act, shall be subscribed or attested by the person or persons making the same, and by any person employed under the authority of the second sub-section of the sixty-fifth section of *The Lower Canada Municipal and Road Act of* 1855, if any such person be so employed, and attested by his or their oath or affirmation, in the following form:

The oath.

"I, (*or*, we severally and each for himself,) do "swear (*or* solemnly declare) that to the best of my (*or* our) "knowledge and belief, the above (*here insert title of document* "*as* Valuation *or* Assessment Roll, revised Valuation or As- "sessment Roll, *or* list of Voters, *as the case may be*,) is correct, "and that nothing has been improperly and fraudulently in- "serted therein, or omitted therefrom."

Before whom to be made.

False statement to be perjury.

And such oath or affirmation shall be made before a Justice of the Peace who shall attest the same;—and the wilful making of any false statement in any such oath or affirmation, shall be wilful and corrupt perjury, and punishable as such, as provided by the Interpretation Act, which shall apply to this Act.

If no List exist for any year, the then last List to be taken.

5. If at the time of any election, no list of voters for the current year shall have been made or shall exist, the Returning Officer and Deputy Returning Officers for such election shall be furnished with the list of Voters last made or existing and shall govern themselves thereby, and such list shall have the same effect as if it were the list for the current year.

Persons omitted from the List because they are not on the Assessment Roll, &c., may complain and appeal.

6. Whenever the name of any voter entitled to have his name entered on the Valuation or Assessment Roll, or on the revised Valuation or Assessment Roll, is omitted from the list of Voters, in consequence of its having been omitted from any such Roll or revised Roll, it was and is the intention of the Act herein first above cited and amended, that such person should have the same right of complaint and of appeal in order to have his name placed on the said list of Voters, as if it had been omitted from the said list after having been inserted in such Roll or revised Roll.

If the List of Voters is not furnished to any Deputy Returning Officer: the Returning Officers shall procure it

7. If the Clerk or Secretary Treasurer of any City or Municipality in Lower Canada does not furnish to every Deputy, Returning Officer acting in such City or Municipality, or in any Ward or Division thereof, a true copy or copies of the proper list of voters, or of so much thereof as relates to the locality for which such Deputy Returning Officer is to act, or as required by the eighth sub-section of the fifth section of the said first cited

from the Registrar.

cited Act, the Returning Officer shall procure from the Registrar of the County or registration division, or if he be himself such Registrar shall furnish a copy certified by him to be correct, of the then last list of voters for such Municipality, part of a Municipality or Ward, filed in his office, and shall cause the same to be delivered to the Deputy Returning Officer; and the cost of such copy shall be paid by the Clerk or Secretary Treasurer, in default, and may be recovered from him or from the Municipality of which he is such Officer, by the Returning Officer or Registrar who shall have procured or furnished such copy.

Cost.

Interpretation of words "Occupant,"

8. The word "Occupant" in the said first cited Act shall, in Lower Canada, signify a person occupying property, otherwise than as owner, tenant, or usufructuary, either in his own right, or in the right of his wife, but being in possession of such property and enjoying the revenues and profits arising therefrom,—and the word "Tenant" shall include any person who instead of paying rent in money is bound to render to the owner any portion of the produce of such property.

"Tenant."

CAP. XI.

An Act to repeal *An Act to improve the mode of obtaining evidence in cases of Controverted Elections.*

[*Assented to 4th May*, 1859.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Act 20 V. c. 23, repealed.

1. The Act passed in the twentieth year of Her Majesty's Reign, intituled, *An Act to improve the mode of obtaining evidence in cases of Controverted Elections*, shall be and the same is hereby repealed; Provided that all proceedings heretofore had and taken under the said Act, shall be held and deemed to be as valid and binding as if the said Act had not been repealed.

Proviso.

CAP. XII.

An Act for indemnifying the Members of both Houses of the Legislature for their expenses in attending the Sessions thereof.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is expedient to repeal the Act hereinafter mentioned, and to make provision for indemnifying the Members of both Houses of the Provincial Legislature for their expenses in attending the Sessions thereof: Therefore, Her

Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Act 12 V. c. 33, repealed.

1. The Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to indemnify Members of the Legislative Assembly for their expenses in attending the Sessions of the Legislature*, shall be and is hereby repealed.

Allowance for attendance at the Sessions of the Legislature.

2. In each Session of the Provincial Parliament, after the present Session, there shall be allowed to each Member of the Legislative Council or of the Legislative Assembly, attending at such Session, six dollars for each day's attendance, if the Session do not extend beyond thirty days; and if the Session extends beyond thirty days, then there shall be payable to each Member of the Legislative Council or of the Legislative Assembly attending at such Session, a Sessional allowance of six hundred dollars, and no more.

Deductions for non-attendance, &c.

3. A deduction at the rate of five dollars per day shall be made from the said compensation, for every day on which the Member shall not attend a sitting of the House of which he is a Member, or of any Committee thereof; but each day during the Session on which there shall have been no sitting of such House, or on which the Member shall have been prevented by sickness from attending any sitting, but on which he shall, in either case, have been in the place where the Session is held, shall be reckoned as a day of attendance at such Session.

When such allowance shall be paid.

4. The said compensation may be paid from time to time as the Member becomes entitled to it, to the extent of four dollars for each day's attendance as aforesaid, but the remainder shall be retained by the Clerk of the proper House, until the close of the Session, when the final payment shall be made.

Allowance for mileage.

5. There shall be also allowed to each Member of the Legislative Council or of the Legislative Assembly, ten cents for each mile of the distance between the place of residence of such Member and the place at which the Session shall be held, reckoning such distance going and coming.

Balance to be paid at the end of the Session on the Member's declaration.

Form.

6. The sum due to each Member at the close of any Session shall be paid to him by the Clerk of the House of which he is a Member, on his making and signing, before the Clerk or Accountant of the House, a solemn declaration to be kept by the Clerk, stating the number of days' attendance and the number of miles of distance for which such Member is entitled to the said allowance, and the amount of such allowance, after deducting the number of days (if any), which are to be deducted under the third section of this Act; and such declaration may be in the Form A hereunto annexed, and shall have the same effect as an affidavit in the same form.

7.

Grant for paying the said allowances.

7. There is hereby granted to Her Majesty, out of any unappropriated moneys forming part of the Consolidated Revenue Fund of this Province, an annual sum, sufficient to enable Her Majesty to advance to the Clerk of the Legislative Council and to the Clerk of the Legislative Assembly, respectively, such sums as may be required to pay the estimated amount of the sessional allowance hereinbefore mentioned.

Clerk to account for moneys received under this Act.

8. The Clerk of the Legislative Council and the Clerk of the Legislative Assembly, shall respectively account for all moneys received by them under this Act, in the same manner as for moneys advanced to them for the contingent expenses of the said Legislative Council and Assembly, and they may respectively apply any surplus thereof to the payment of such contingent expenses, and may supply any deficiency of such estimated amount, out of any moneys in their hands respectively, applicable to the payment of such contingent expenses.

Short Title.

9. This Act shall be known and may be cited as "The Members' Indemnity Act, 1859."

SCHEDULE. FORM A.

I, A. B. one of the Members of the Legislative Council (*or* Assembly) solemnly declare, that I reside at , in , which is distant miles from , where the session of the Provincial Parliament which began on the day of , one thousand eight hundred , was held: That during the said session I was present days at where the session was held; and that on each of the said days on which there was a sitting of the said Legislative Council (*or* Assembly) I attended such sitting or a sitting of some Committee thereof,—(*if the Member has not attended on any such day or days, say*—except only on days,—*and if the Member was prevented by sickness from attending on any of the said days, add*—on of which days, I was prevented by sickness from attending any such sitting, though I was then present at as aforesaid.)

Wherefore, I am under the Members' Indemnity Act of 1859, entitled to the sum of dollars, cents, for travelling expenses, and to the sum of dollars for my allowance for attending at the said session.

(*Signature,*) A. B.

Declared before me this day of , one thousand eight hundred .

C. D.
Clerk *or* Accountant of the Legislative Council *or* Assembly.

CAP.

CAP. XIII.

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government for the year 1859, and for certain other expenses connected with the public service.

[*Assented to 4th May*, 1859.]

MOST GRACIOUS SOVEREIGN:

Preamble. WHEREAS by Messages from His Excellency Sir Edmund Walker Head, Governor General of British North America, and Captain General and Governor in Chief in and over this Province of Canada, and the Estimates accompanying the same, laid before both Houses of the Provincial Parliament, it appears that the sums hereinafter mentioned are required to defray certain expenses of the Civil Government of this Province and of the Public Service thereof, for the year one thousand eight hundred and fifty-nine: May it therefore please Your Majesty that it be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, that,—

$2,060,130.-30cts. appropriated for purposes mentioned in the Schedule. **1.** From and out of the Consolidated Revenue Fund of this Province, there shall be and may be paid and applied a sum not exceeding in the whole the sum of two millions and sixty thousand, one hundred and thirty dollars and thirty cents, for defraying the several charges and expenses of the Civil Government and Public Service of this Province for the year one thousand eight hundred and fifty-nine, and other purposes set forth in the Schedule to this Act.

Accounts to be laid before Parliament. **2.** Accounts in detail of all moneys received and paid under the authority of this Act, shall be laid before both Houses of the Legislature of this Province at each Session thereof.

Account to Her Majesty. **3.** The due application of the moneys expended under the authority of this Act, shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury, in such manner and form as Her Majesty, Her Heirs and Successors shall be pleased to direct.

SCHEDULE

SCHEDULE.

SUMS GRANTED TO HER MAJESTY BY THIS ACT, AND THE PURPOSES FOR WHICH THEY ARE GRANTED.

SERVICE.	Amount.	Amount.
Adjutant General of Militia Department.	$ cts.	$ cts.
Salary of six Clerks, viz: $1,600, $1,100; three at $1,000; one at $750—one Messenger at $500	6950 00	
Do of two Inspecting Field Officers of Volunteer Militia, Upper and Lower Canada, for 1859, at $1,600 each	3200 00	
Do of the Provincial Aid-de-Camp, for do	1600 00	
Do Eight Store Keepers of Armories, at $300 each, for do	2400 00	
Do Nineteen Assistant Adjutants General, at $120 each, for do	2280 00	
Contingent expenses for Postages, Stationery, Printing, Repairs of Accoutrements, Transport of Arms, Travelling Expenses of Inspecting Field Officers, and all other incidental expenses attending the Active Force, for the year ending 31st December, 1859	8000 00	
Care of Arms, Rent of Armories, Gun Sheds and Magazines, and pay of Storemen and Caretakers of Armories of the Active Force	5000 00	
Maintenance and Drill of Active Force	40000 00	
		69430 00
Legislative Council.		
Salary of the Speaker	3200 00	
Do of the Clerk	2000 00	
Do of the Assistant Clerk and French Translator	1600 00	
Do of the Law Clerk	1000 00	
Do of the Chaplain and Librarian	800 00	
Do of the Gentleman Usher of the Black Rod	400 00	
Do of the Serjeant-at-arms	400 00	
Do of the Head Messenger	400 00	
Do of the Door-keeper	240 00	
Do of three Messengers for the Session, at $180 each	540 00	
Contingent Expenses	25,000 00	
Indemnity to the Members for their attendance, at $6 per diem, including travelling at 10 cts. per mile, for the distance between the place of residence of each Member and the place at which the Session is held	30,000 00	
		65580 00

SCHEDULE—*Continued.*

SCHEDULE—*Continued.*

SERVICE.	Amount.	Amount.
	$ cts.	$ cts.
Legislative Assembly.		
Salary of the Speaker - - - - - - -	3200 00	
Do of the Clerk - - - - - - -	2000 00	
Do of the Assistant Clerk - - - - -	1600 00	
Do of the Law Clerk and English Translator -	2000 00	
Do of the Clerk of the Crown in Chancery -	600 00	
Contingencies of do do - -	400 00	
Salary of the Serjeant-at-arms - - -	400 00	
Contingent Expenses (exclusive of indemnity to Members) - - - - - - - - -	200000 00	
		210200 00
Public Departments.		
Salaries and portions of salaries of Deputies, Clerks and Messengers in the Public Departments, not paid out of the Civil List - - - - - -		70000 00
Pensions to Officers and Servants of the late Legislative Bodies of Upper and Lower Canada.		
William Ginger, as late Serjeant-at-arms to the Legislative Council, Lower Canada - -	266 66	
Samuel Waller, as Clerk of Committees to do -	400 00	
John Bright, as Messenger of Legislative Council of Lower Canada - - - - - -	80 00	
Louis Gagné, do do Legislative Assembly, Lower Canada - - - - - - -	72 00	
		818 66
Other Pensions.		
Jacques Brien, for wounds received in the Public Service. - - - - - - - - -	80 00	
Pierre Bouchard, for wounds received in the Public Service - - - - - - - -	100 00	
Mrs. Widow Antrobus - - - - - -	800 00	
Widow McCormick - - - - - -	400 00	
G. B. Faribault, as late Assistant Clerk of the Legislative Assembly - - - - - -	1600 00	
		2980 00
Hospitals and other Charities.		
Aid to the Toronto Hospital - - - - -	8000 00	
Do do do for (County Patients) - -	6000 00	
Do Indigent sick at Quebec,	8000 00	
Do do Montreal:—2 at $4,000, -		
Do Corporation of General Hospital at Montreal -	5000 00	
Do Emigrant and Marine Hospital, Quebec,	12000 00	
Do Kingston General Hospital:—2 at $6,000 -		

SCHEDULE—*Continued.*

SERVICE.	Amount.	Amount.
	$ cts.	$ cts.
Hospitals and other Charities.—Continued.		
Aid Hamilton Hospital - - - - - -	3200 00	
Do Relief of Indigent Sick at Kingston - -	3000 00	
Do to Indigent Sick at Three Rivers,	5600 00	
Do Toronto House of Industry :—2 at $2,800 -		
Do Saint Patrick Hospital, Montreal - -	2000 00	
Do Les Sœurs de la Providence, at Montreal,	2800 00	
Do London Hospital :—2 at $1,400 - -		
Do to General Hospital des Sœurs de la Charité, at Montreal,	2000 00	
Do Kingston Hôtel-Dieu Hospital :—2 at $1,000,		
Do Protestant Orphans' Home, and Female Aid Society, at Toronto,		
Do Roman Catholic Orphan Asylum, at Toronto,		
Do Kingston Orphan Asylum,		
Do Hamilton Orphan Asylum,	6400 00	
Do do Roman Catholic do,		
Do Protestant Hospital at Bytown,		
Do Roman Catholic do do,		
Do Montreal St. Patrick's Roman Catholic Orphan Asylum :—8 at $800 - - -		
Do Montreal Protestant Orphan Asylum,		
Do Montreal House of Refuge,		
Do University Lying-in Hospital at Montreal,		
Do do under the care of Sœurs de la Miséricorde,		
Do Lying-in Hospital at Toronto,	4800 00	
Do to Asylum of the Good Shepherd, at Quebec,		
Do Hospice de la Maternité, at Quebec,		
Do Deaf and Dumb Institution, Montreal :—8 at $600 - - - - - - -		
Do to Ladies Benevolent Society, Montreal, for Widows and Orphans,		
Do Roman Catholic Orphan Asylum, Quebec,		
Do Male Orphan Asylum, Quebec,		
Do Charitable Association of the Ladies of the Roman Catholic Asylum, at Montreal,		
Do Managers Protestant Female Orphan Asylum, Quebec,	3600 00	
Do Eye and Ear Institution, Montreal,		
Do Montreal Dispensary,		
Do Montreal Home and School of Industry,		
Do Public Nursery for Children of the Poor, in Toronto :—9 at $400,		
Do Canada Military Asylum for Widows and Orphans, Quebec, - - - - -	200 00	

SCHEDULE—*Continued.*

SCHEDULE—*Continued.*

SERVICE.	Amount.	Amount.
Hospitals and other Charities.—Continued.	$ cts.	$ cts.
Aid towards support of Lunatic Asylum, at Toronto, - - - - - - -	120000 00	
Do do do temporary do at Beauport, near Quebec, - - - - - -		
		192600 00
Various Public Institutions.		
Aid to the Medical Faculty, McGill College,		
Do School of Medicine, Montreal,		
Do do Kingston,	5000 00	
Do Victoria College, Toronto,		
Do Canadian Institute, at Toronto:—5 at $1,000,		
Do do City of Ottawa,		
Do Athenæum Ottawa:—2 at $400 - - -	800 00	
Mechanic's Institutes for 1858:—5 at $140 -	700 00	
		6500 00
Contingent Expenses of the Administration of Justice.		
In Upper and Lower Canada, not otherwise provided for - - - - - - - -	150000 00	
For support of Provincial Penitentiary at Kingston	55000 00	
Do Reformatory Prisons - - -	15000 00	
Additional Salary to John Black, Clerk in Registrar's Office, Court of Chancery - -	300 00	
Do do William Stanley, do Master's Office do - - - - - - - -	300 00	
Salary of a Clerk of Process, Court of Queen's Bench and Common Pleas, U. C. - - -	1400 00	
Do of an Extra Clerk, Attorney General's, West Office - - - - - - - - -	400 00	
Do Clerk in the Office of the Clerk of the Crown and Pleas, U. C. - - - - -	600 00	
Do Clerk of Assize, Toronto - - - -	1200 00	
Additional Salary to Permanent Clerk, Crown Law Department - - - - -	560 00	
Do do to Judge Vice Admiralty Court, Quebec, - - - - - - - - -	1111 14	
		225871 14
Miscellaneous Items.		
Allowance to Pierre Brochu for residing on Kempt Road to assist Travellers thereon,		
Do Jonathan Noble for the same purpose,	400 00	
Do to a resident at the foot of Metapedia for do,		
Do to do at Assametquagan, for do:—4 at $100		

SCHEDULE—*Continued.*

SERVICE.	Amount.	Amount.
	$ cts.	$ cts.
Miscellaneous Items.—Continued.		
For the Expense of printing and binding the Laws	24000 00	
For other Printing and Subscription to, and Advertizing in the Official Gazette	10000 00	
For Expense of distributing the Laws	3400 00	
To meet unforeseen Expenses in the various Branches of the Public Service	6000 00	
To defray the Expenses of the Quebec Observatory	2400 00	
Do do do of the Toronto do	4800 00	
New Indian Annuities	4400 00	
Expenses of protecting the Fisheries in the Gulf	7800 00	
One year's rent of the Protestant Burial Ground in St. John Suburb, Quebec	93 00	
Aid to the Board of Agriculture, Lower Canada.	4000 00	
Aid to Parliamentary grant, under Act 14 & 15 Vic. Cap. 106, to Indians, Lower Canada	400 00	
Compensation to Pensioners in lieu of land	12410 00	
Aid towards Emigration Expenses for the present year	12000 00	
Amount required to meet the deficiency of Expenses of Water Police, Quebec, for the present year	3000 00	
For the Expenses of the River Police, Montreal, for 1859, $9,000; of which to be borne by the Harbour Commissioners, $3,700, Balance required	5300 00	
For Tug Service between Montreal and Kingston	24000 00	
For do below Quebec	54000 00	
Aid to Louis Vincent, an Infirm Indian Schoolmaster, Huron Tribe	100 00	
Do to Board of Arts and Manufactures, for Upper and Lower Canada, $500 each	1000 00	
For the Pay and Contingencies of the Montreal Police Force for December 1858	1094 77	
For Expenses of Red River Expedition for 1858	8000 00	
For Ocean Freight and Insurance on Specie for New Coinage	5734 73	
		194332 50
Education.		
Aid towards Superior Education Income Fund, Lower Canada	20000 00	
Do do do do Upper Canada	20000 00	
		40000 00

SCHEDULE—*Continued.*

SERVICE.		Amount.	Amount.
		$ cts.	$ cts.
Education.—Continued.			
Upper Canada Grant distributed as follows: in 1858,	$ cts.		
Aid to Upper Canada College - -	4,444 42		
Do Victoria College - - -	3,000 00		
Do Queen's College - - -	3,000 00		
Do Regiopolis College, Kingston -	3,000 00		
Do Grammar School Fund, U. C.	2,355 58		
Do St. Michael's College, Toronto -	2,000 00		
Do Bytown College - - -	1,400 00		
Do Belleville Seminary - - - -	800 00		
	$20,000 00		
Additional sum for Common Schools, Upper and Lower Canada - - - - - - - - [$6,000 of which out of the Lower Canada share for Normal Schools.]			160000 00
To make good various Incidental Expenses of the Civil Government, incurred during the year 1858, as detailed in Statement No. 59 of the Public Accounts, laid before the Legislature -			466106 00
PUBLIC WORKS DEPARTMENT.			
Miscellaneous Public Works.			
1. Welland Canal, towards continuation of contract for deepening and widening Canal above Allanburgh, to suit Lake Erie level..		23500 00	
2. St. Lawrence Canals, constructing Head Gates to supply water power at Cornwall Canal, building pier at Lock No. 4, Lachine Canal, to facilitate entrance to Lock.....		7200 00	
3. Ottawa River Navigation, towards erecting Lights, near Green Shoals, Point Valois and Point Clair.....		4000 00	
4. Do. do. lumbering works, towards improvements at High falls, Madawaska River, works on South Branch of the Petawawa River.....		10743 00	

SCHEDULE—*Continued.*

SERVICE.	Amount.	Amount.
	$ cts.	$ cts.
Miscellaneous Public Works—Continued.		
5. Towards the construction of three Iron Vessels for floating lights on Lake St. Louis to replace decayed wooden ones.....	8400 00	
6. Light Houses, towards purchasing a House and lot at Presqu'Isle, building dwelling Houses on Nicholson's and Burnt Islands.....	1150 00	
7. Saguenay Lumbering Works, completion of slide and other works.....	8275 00	
8. Metapedia Road (North and South), towards continuation of works.....	4000 00	
9. Gaspé and St. Lawrence Road—from North side of Gaspé Bay—towards continuation of..	4000 00	
10. Marine Hospital, Quebec.....	5000 00	
11. Grosse Isle, Quarantine Station.....	2206 00	
12 { Kamouraska Jail, Three-Rivers Court House, Sherbrooke Jail and Court House } To complete certain indispensable repairs.....	12938 00	
13. Postal extension to Lake Superior and Red River, also along the Gulf of St. Lawrence to Pictou, in connection with New Brunswick.....	20000 00	
14. Towards procuring and laying down Buoys or Bells on reefs in Lake Erie.....	800 00	
15. Repairs and alterations at Long Point Light House.....	800 00	
16. Towards procuring and laying down Buoys, in Gaspé Bay and Harbour.....	500 00	
17. Public Buildings, repairs, maintenance and rent of.....	40000 00	
18. Awards and arbitrations and to make good damages occasioned by construction of Public Works, and towards repairs of existing works.....	25000 00	
19. Aid towards expense of Georgian Bay Canal Survey.....	2000 00	
		180512 00

SCHEDULE—*Continued.*

SCHEDULE—*Continued.*

SERVICE.	Amount.	Amount.
	$ cts.	$ cts.
Supplementary Estimates.		
Towards Printing Revised Statutes.....	20000 00	
Colonization Roads.....	50000 00	
Aid to Hamilton Hospital.....	2800 00	
London do	1600 00	
Deaf and Dumb Institution in Toronto....	600 00	
House of Providence in Toronto.....	400 00	
Bonaventure Street Asylum, Montreal....	1000 00	
St. Hyacinth Hospital.....	400 00	
Destitute Emigrant Institution at Quebec..	400 00	
Protestant Orphan Asylum at Quebec.....	400 00	
Boards of Arts and Manufactures.....	3000 00	
Indemnity to Thomas Roche, late Light House Keeper at L'Islet, having lost his sight while on duty, and two of his Sons having been drowned in November last, while making the last trip from Light House to Shore.....	600 00	
The proportion of award by Chief Justice Carter, in the case of G. H. Ryland, chargeable on the Province, the remainder having been paid by the Imperial Government.....	18000 00	
Contingencies of Legislative Council.....	40000 00	
Do. Legislative Assembly.....	30000 00	
Grant to Parliamentary Library.....	6000 00	
		175200 00
Total.....	.....	2,060,130 30

CAP. XIV.

An Act to amend the Act of 1858, to make more advantageous provision for the redemption of Provincial Debentures and the Consolidation of the Public Debt.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is expedient to amend the Act hereinafter mentioned: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

The Provincial Stock under 22 V. c. 84, may bear any rate of interest not over 5 per cent.

When it may be paid off.

After what notice.

1. Notwithstanding any thing to the contrary in the Act passed in the twenty-second year of Her Majesty's Reign, intituled, *An Act to make more advantageous provision for the redemption of Provincial Debentures and the Consolidation of the Public Debt, and for other purposes*, the Canadian Consolidated Stock therein mentioned shall bear such rate of interest, not exceeding five per cent per annum, as the Governor in Council shall deem most advantageous for the Province: and such Stock shall not be paid off in less than twenty years from first day of July, one thousand eight hundred and fifty-nine, but may be paid off at or after the expiration of that term at the option of the Provincial Government, provided previous notice of not less than three nor more than six months, shall have been given to that effect in the *London Gazette*, in England, under an Order of the Governor in Council, authorizing such notice.

Bonds may be issued instead of Stock.

When they may be paid off.

May be exchanged for Stock.

2. For any purpose for which the said Stock may under the said Act be disposed of or issued to any party, the Governor in Council may, instead of such Stock, cause Provincial Bonds to be issued bearing interest payable half yearly at a rate not exceeding five per cent per annum, but the principal whereof shall not be paid off in less than twenty years from their respective dates, but may be paid off at or after the expiration of that term at the option of the Provincial Government, provided previous notice of not less than three nor more than six months shall have been given to that effect in the *London Gazette*, in England, under an Order of the Governor in Council authorizing such notice; and the holder of any such Bond shall always be entitled to have it exchanged for an equal amount at par of the said Provincial Stock, allowing for interest then accrued on either.

Governor in Council may authorize Finance Minister to dispose of Stock or Bonds.

3. The Governor in Council may authorize the Minister of Finance to determine from time to time the terms upon which the said Provincial Stock or Bonds may be disposed of or exchanged for outstanding Provincial Debentures, as mentioned in the second section of the Act hereby amended, having due regard to the market value of such Debentures and the period at which they are respectively redeemable.

4.

Sinking Fund for redemption of Stock or Bonds.

4. The Governor in Council shall set apart yearly out of the Consolidated Revenue Fund, a sum equal to one half of one per centum on the amount of Provincial Stock and Bonds issued under this Act and the Act hereby amended, and then outstanding, and shall cause such sum to be invested in the said Stock or Bonds, or in such other manner as he may deem most advisable, as a Sinking Fund for the redemption of the said Stock and Bonds.

Part of section 3 of 22 V. c. 84, repealed.

5. So much of the third section of the Act hereby amended as requires that the purchase of Municipal Loan Fund Debentures thereby authorized, be made by tender under such conditions as may be determined by the Governor in Council, and of which due notice shall be given in the *Canada Gazette*, is hereby repealed; and the Governor in Council may authorize the Minister of Finance to accept Municipal Loan Fund Debentures in exchange for such Stock or Bonds as aforesaid, and to determine the terms upon which such Debentures shall be purchased or accepted in exchange for such Stock or Bonds or other Provincial securities or other funds that may be available.

As to exchange of Municipal Loan Fund Debentures.

Inspector General to be hereafter styled the "Minister of Finance."

6. The Officer heretofore called the Inspector General of Public Provincial Accounts shall hereafter be and be called the Minister of Finance; but such change of name shall not in any way affect his rights, powers or duties; and whenever in any Act, instrument or writing the Inspector General of Public Provincial Accounts, or the Inspector General, is mentioned, the Minister of Finance shall be understood to be intended when this Act shall be in force.

CAP. XV.

An Act further to amend the Consolidated Municipal Loan Fund Acts.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS by an Act passed during the present session of the Provincial Parliament, it has been declared that, certain sums shall be payable in final settlement of certain claims arising out of the abolition of the Seignorial Tenure in Lower Canada; And whereas it is expedient that provision should be made to charge any such sums upon the unappropriated Consolidated Municipal Loan Fund of Lower Canada, and for this purpose to restrain the issue of Debentures by the Municipalities in Lower Canada, under the authority of the said Act; And whereas it is also expedient to amend the Acts relating to the Consolidated Municipal Loan Fund, that is to say, the Act passed in the sixteenth year of Her Majesty's Reign, chapter twenty-two, intituled, *An Act to establish a Consolidated Municipal Loan Fund for Upper Canada*, as extended and amended

16 V. c. 22.

amended by subsequent Acts, so as t
cipalities which have raised money b
the said Acts, and at the same time
demption of such Debentures by
tively liable: Therefore, Her Majes
and consent of the Legislative Co
nada, enacts as follows:

Except as herein mentioned no further loan to be raised on the said Consolidated Municipal Loan Fund, &c

1. Except as hereinafter provic
the passing of this Act, be rais
under the said Acts, nor shall a
after issued under them to any
ever the principal of any Debentu
of the Consolidated Municipal Lo
or Lower Canada becomes due,
he has then in his hands no suffic
pay the same, may, with the consen
cil, raise such funds by the issue of
credit of the said Fund, redeemable
expedient: but nothing in this sectio
any enactment authorizing the rede

Proviso: as to By-laws already sanctioned.

tures by the issue of Provincial S
vided always, that nothing in thi
prevent the issue of Debentures un
received the sanction of the Gover
passing of this Act, but under whic

Proviso: a further sum not over $400-000 may be borrowed.

issued to the parties entitled to receiv
further, that it shall be lawful for
authorize the issue, under the cond
Debentures on the credit of the Co
Fund for Lower Canada, to an am
whole four hundred thousand dollar
issued before the passing of this A
under By-laws sanctioned as afores

Sum or rate to be paid yearly to the Receiver General by the Municipalities which have raised money under the said Fund.

2. A sum equal to the amount of
the assessed yearly value, or a like
six per cent per annum on the asses
able property in every Municipality
Debentures issued under the Acts
shall be paid by such Municipality
or before the first day of December
thousand eight hundred and fifty-n
after, unless and until the total an
terest payable by such Municipalit
under the said Acts by reason of such
and satisfied, or a smaller sum shall
same in any year, in which case su
be so paid:

Proviso: such sum not to

2. Provided always, that the sum
tion in any Municipality, shall nev

which the said percentage on the assessed value of the assessable property in such Municipality, according to the assessment Rolls for the year 1858, in the same Municipality, would have produced;—but if in any year the assessed value of the assessable property in such Municipality shall be less than it was in the year 1858, the rate to be paid under this Section to the Receiver General shall be so increased as to make the sum so payable equal to what it would have been at the rate hereinbefore mentioned on the assessed value of the year 1858,—but the said rate shall always be payable on any increased assessed value over that of the year 1858; be less than the rate would have produced on the assessed value of 1858.

3. The said sum shall be the first charge upon all the funds of the Municipality, for whatever purpose or under whatever By-law they may have been raised, and no Treasurer, or other officer of the Municipality shall, after the first day of December, in this present year one thousand eight hundred and fifty-nine, pay any sum whatever out of any funds of the Municipality in his hands, until the sum then payable by the Municipality to the Receiver General under this Act, has been paid to him: And if any such Treasurer or municipal officer pays any sum out of the funds of his Municipality, contrary to the provision hereinbefore made, he shall be deemed guilty of a misdemeanor, and shall moreover be liable for every sum so paid, as for money received by him for the Crown; Such sum to be a first charge on the Funds of the Municipality. Penalty on any Municipal Officer contravening this section.

4. The sum aforesaid shall be instead of the payments which the Municipality would otherwise be bound to make to the Receiver General under the said Acts: But if it be not paid as hereinbefore required, the Municipality shall be held to be in default, and shall be liable to be dealt with in the manner provided by the said Acts, with regard to Municipalities in default; To be instead of payments required by other Acts.

5. Nothing in this Act shall prevent any Municipality from raising a higher rate than herein mentioned for the purpose of paying the sums payable by such Municipality to the Receiver General, or from paying a larger sum to him in any year than that hereby required; Municipality may pay a larger sum in any year.

6. The Receiver General shall charge interest in his accounts with Municipalities under the said Acts, at the rate of six per centum per annum, on all moneys paid by him for any Municipality whether as principal or interest, until the same are repaid. Interest to be charged.

3. Instead of the special rate mentioned in the sixth section of the Act first cited in the preamble, there shall, in the present year one thousand eight hundred and fifty-nine, be levied upon all the assessable property in every Municipality which has raised money by Debentures issued under the Acts aforesaid, a rate of five cents in the dollar upon the assessed yearly value, and Rate to be levied instead of that required by sect. 6 of 16 V. c. 22.

and a like percentage on the interest at the rate of six per cent per annum of the assessed value of such property, and a like rate in each year thereafter until the total sums payable as principal or interest to the Receiver General by reason of such Debentures, shall be paid off, or until a reduced rate shall be substituted by Order in Council as hereinafter mentioned :

How to be levied.

2. Such rate shall be levied by virtue of this Act, but shall be entered on the Collector's Rolls and collected and paid to the Treasurer of the Municipality in the same manner as ordinary rates imposed by municipal By-laws, and whether any other rate is or is not imposed in the Municipality in the same year ;

Application of proceeds.

3. The proceeds of such rate shall be applied by the Treasurer exclusively towards the payment of the sum payable by the Municipality to the Receiver General in each year, if such sum be not then already paid, but if it be then already paid or there be any surplus of the said rate after paying it, the rate or surplus may be applied to the other purposes of the Municipality, in like manner as the proceeds of other rates ;

Penalty on Municipal Officers not complying with this Act.

4. Any Treasurer, Collector or other municipal officer or functionary, or any member of the Municipal Council, wilfully neglecting or refusing to perform or concur in performing any official act requisite for the Collection of the said rate, or misapplying or being a party to the misapplication of any portion of the proceeds thereof, shall be held guilty of misdemeanor, and such Treasurer, Collector, or other Municipal Officer, member or functionary and his sureties shall moreover be personally liable for any sum which, by reason of such neglect, misconduct, refusal or misapplication, shall not be paid to the Receiver General at the time required by this Act, as for moneys received by such Member, Treasurer, Collector or other municipal officer or functionary for the Crown.

Governor in Council may allow a lower rate, whenever it shall be found sufficient.

4. Whenever it appears to the Governor in Council, upon the Report of the Receiver General, that a lower rate in the dollar, than the rate aforesaid in any Municipality will be thereafter sufficient to pay the interest and contribution to the Sinking Fund payable by such Municipality in each year, under the Acts aforesaid, such lower rate may be substituted by order in Council for the rate aforesaid, for all the purposes of this Act.

Seignorial Amendment Act of 1859, cited.

5. Whereas by the Act passed during the present session, intituled "The Seignorial amendment Act of 1859," it is provided,—that a sum of money bearing the same proportion to that which under the provisions of the said Act will be payable yearly to the Seigniors in Lower Canada, as the population of the Townships of Lower Canada shall, by the Census of one thousand eight hundred and sixty-one, be found to bear to that of the Seigniories,—

Seigniories,—shall be payable yearly, out of Provincial Funds, to the credit of the Lower Canada Municipal Loan Fund, but for the benefit of the Townships only:—And whereas it is necessary to provide for the application of the said sum, to the purposes contemplated by the said Act, therefore,—

How the sum given to the L. C. Townships shall be divided.

1. The said sum shall be divided among the several Townships in Lower Canada and the Town of Sherbrooke, in proportion to their respective population as shewn by the said Census of one thousand eight hundred and sixty-one; and in the meantime advances may be made yearly to each of them, according to such approximate estimate as the Governor in Council, according to the best information obtainable, may sanction, subject to adjustment in account so soon as such proportion shall be established;

Advances may be made.

Capital may be paid at 75 per cent.

2. It shall be lawful for the Governor in Council to direct the Receiver General to pay the Capital of the yearly sum coming to any such Townships or to the said Town, at the rate of seventy-five per cent. of such Capital, in discharge of the whole;

County Councils may appropriate such sums by By-law.

3. It shall be lawful for the County Council of any County in Lower Canada including within its limits any Township or Townships, and for the Town Council of the said Town of Sherbrooke, to pass By-laws with the approval of the Governor in Council for appropriating the said yearly sum or capital or any part of either, for any public improvement or improvements within the County or Town;—Provided that in Counties including a Seigniory or Seigniories, the County Councillors representing Municipalities composed of Townships or parts of Townships, shall alone be entitled to vote on any By-law for such appropriation, and such Councillors or the majority of them shall, as regards such By-law, form a Quorum of the Council, whatever be their number; And provided also, that if such appropriation be not made by the Council of any such County within twelve months from the passing of this Act, the several Local Councils in such County, with the like approval, may pass by-laws for appropriating to the like use their share of such yearly sum or capital; and payment of such yearly sum or capital shall be made for the purposes of such appropriation only;

Proviso: who may vote on such By-laws.

Proviso: if the County Council do not make the appropriation within a certain time.

As to certain Municipalities.

4. Any Municipality having the powers as well of a County Council as of a Local Council, shall be held to be a County Council within the meaning of this Act.

Receiver General may retain money due to the Province.

6. So long as any sum of money is payable to the Receiver General by any Municipality under the Acts aforesaid, he may always retain in his hands any sum of money which would otherwise be payable by him to such Municipality, crediting the same to it, in his accounts with it under the said Acts.

7.

Interpretation of certain words used in this Act.

7. In this Act the word "Treasurer" includes every Secretary-Treasurer, Chamberlain, or other municipal officer or person, entrusted with the custody of the funds of any Municipality, the expression "Assessment Roll" includes Valuation Rolls,—and the Roll which is to serve for any year is the Roll for that year whatsoever be the year in which it was made,—the expression "Collector's Roll" includes any Roll or document shewing the amount to be collected from each rate payer,—the word "Collector" includes the Secretary-Treasurer in places where that officer collects the Municipal Taxes;—and the word "Municipality" includes incorporated Cities and Towns.

Act not to legalize any Debentures, &c., not otherwise valid.

8. Nothing in this Act shall be interpreted as legalizing any by-law or proceedings had under the Acts hereby amended, nor as legalizing the issue of any Debentures on the credit of the Consolidated Municipal Loan Fund in consequence of such by-laws or proceedings.

CAP. XVI.

An Act to impose a duty on Vessels admitted to Registry and the Coasting Trade in this Province, and belonging to Countries not admitting the Vessels of this Province to Registry and privileges of General and Coasting Trade in such Countries.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is expedient to impose a duty of Customs on Vessels admitted to registration and the general and coasting trade in this Province, and being of the build of any Foreign Country not admitting British Vessels to registration and the coasting trade in such country: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Duty imposed on such Vessels as are mentioned in the Title.

1. There shall be raised, levied, collected and paid unto Her Majesty, Her Heirs and Successors, upon every Vessel admitted to registration and the general and coasting trade of this Province, and being of the build of any Foreign Country not admitting British Vessels to similar and like privileges and advantages in such country, a duty of Customs equal to ten per centum upon the value of such Vessel, to be calculated and ascertained in like manner as other duties of Customs imposed *ad valorem*: And this Act shall be construed as forming one Law with the Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, chaptered thirty-one, and intituled, *An Act for repealing and consolidating the present duties of Customs in this Province, and for other purposes therein mentioned*, and the Acts amending the same, in so far as they are in force and consistent with this Act: And all words and expressions

This Act to be construed as part of the Customs Acts

expressions used in this Act shall have the meaning assigned to them in the said Acts, and all the provisions of the said Acts, with regard to the duties imposed by them, shall apply to the duty imposed by this Act, except in so far as they may be inconsistent with it.

CAP. XVII.

An Act to amend the Post Office Laws.

[*Assented to 4th May*, 1859.]

Preamble. WHEREAS it is expedient to amend the Post Office Laws, in the manner hereinafter provided: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Rate of Postage on Newspapers other than "Exchange papers." **1.** There shall be payable on all Newspapers sent by Post in Canada, except "Exchange Papers" addressed to Editors and Publishers of Newspapers, such rate of Postage, not exceeding one cent on each such Newspaper, as the Governor in Council shall from time to time direct by regulation, and such rate shall be payable on all such Newspapers posted on or after the first day of July next.

Inconsistent enactments repealed. **2.** So much of any Act as provides that Newspapers posted within this Province shall pass free of Postage, in cases other than those in which they will be free under this Act, is hereby repealed.

Rates converted into decimal currency. **3.** In order to adapt the operations of the Post Office to the Decimal Currency, the internal letter postage rate shall be changed from three pence to its equivalent of five cents, per half ounce,—the charge for advertising a dead letter from three farthings to two cents,—the charge for returning a dead letter to the writer, from one penny to three cents; and in all cases where a one half-penny or penny rate of Postage is chargeable, those rates shall be changed to one cent and two cents respectively.

Extra rates on letters not prepaid. **4.** To promote simplicity and economy in the business of the Post Office, all letters posted in Canada for any place within the Province, and not prepaid, shall be charged seven instead of five cents per half ounce on delivery; and on letters posted for the British Mails, for the other British North American Provinces, or for the United States, when not prepaid, there shall be charged such addition to the ordinary rate, not in any case exceeding a double rate, as the Post Master General may agree upon with the Post Office Authorities of those Countries, for the purpose of enforcing pre-payment.

Parcel Post may be established.

5. The Post Master General may establish a Parcel Post, and Parcels other than letters and not containing letters, may be sent by such Parcel Post, and when so sent shall be liable to such charges for conveyance and to such regulations as the Governor in Council shall from time to time see fit to make.

Non-liability of Post Master General.

6. The Post Master General shall not be liable to any party for the loss of any Parcel sent by Parcel Post.

Wilfully destroying, &c., parcels.

7. Wilfully and maliciously to destroy, damage, detain or delay any Parcel sent by Parcel Post, shall be a misdemeanor.

Inclosing letters, &c., in Newspapers or Parcels to be a misdemeanor.

8. To inclose a letter or letters, or any writing intended to serve the purpose of a letter, in a Parcel posted for the Parcel Post, shall be a misdemeanor; and to inclose a letter, or any writing, or to make any written marks to serve the purpose of a letter, or to inclose any other thing, in a newspaper posted to pass as a newspaper, at the rate of postage applicable to newspapers, (except in the case of the accounts and receipts of newspaper publishers, which are permitted to pass folded within the newspapers sent by them to their subscribers,) shall be a misdemeanor.

Money order system may be extended to Orders to and from the United Kingdom.

9. In order to carry into effect an arrangement which has been made between the Imperial Government and the Government of this Province, the Governor in Council may, by regulations to be from time to time made, extend the Money Order system, so as to include the granting of Money Orders on Post Masters in the United Kingdom, and the payment of Money Orders drawn by such Post Masters on Post Masters in this Province, on such terms and conditions as he may deem expedient.

Newspapers, &c., free of duty to be brought only through the Post Office.

All otherwise to be seized if not duly entered and duty paid.

10. Except as hereinafter provided,—it shall not be lawful to bring any Foreign Newspaper, or any Foreign printed publication (except bibles, testaments or books of devotion) not liable to a duty of Customs, into this Province, in any other way than through the Provincial Post Office; And any foreign Newspaper or publication brought into this Province otherwise than through the Post Office, which has not been duly entered and upon which the duty of twenty per cent. *ad valorem*, under the Customs Duties Acts, has not been paid, (except bibles, testaments and books of devotion on which no duty is payable) shall be forfeited and may be seized and forthwith destroyed by any officer of the Customs or of the Post Office as prohibited goods, and the person bringing in the same shall be liable to the like penalty as a person bringing in goods prohibited by the Customs laws, and recoverable in like manner:—But this prohibition shall not apply to one copy of any such Newspaper or publication brought into the Province *bonâ fide* by any Traveller for his own use.

CAP.

CAP. XVIII.

An Act to amend and make permanent the Laws relating to the Militia of this Province.

[*Assented to 4th May*, 1859.]

Preamble. WHEREAS it is expedient to amend and make permanent an Act passed in the eighteenth year of Her Majesty's reign, intituled, *An Act to regulate the Militia of this Province and to repeal the Acts now in force for that purpose*, and also, an Act passed in the nineteenth and twentieth years of Her Majesty's reign, intituled, *An Act to amend the Militia Law:* Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

18 V. c. 77.

19, 20 V. c. 44.

The said Acts made permanent as hereby amended. **1.** The Act passed in the eighteenth year of Her Majesty's reign, intituled, *An Act to regulate the Militia of this Province and to repeal the Acts now in force for that purpose*, and the Act passed in the nineteenth and twentieth years of Her Majesty's reign, and intituled, *An Act to amend the Militia Law*, as hereinafter amended, are hereby made permanent.

New section substituted for 18 V. c. 77, s. 5. **2.** The fifth section of the first recited Act is hereby repealed, and the following section is substituted therefor, and shall be read as part of the said Act:—"The Sedentary Militiamen shall be divided into two Classes, to be called respectively Service Men and Reserve Men; the Service Men shall be those of eighteen years of age and upwards, but under forty-five years, —and the Reserve Men shall be those of forty-five years of age and upwards, but under sixty years."

ACTIVE OR VOLUNTEER MILITIA.

Number of Companies of Foot Artillery and Rifles limited after end of 1859. **3.** From and after the thirty-first day of December, in the year one thousand eight hundred and fifty-nine, the Companies of Foot Artillery and Rifle Companies of Class A, shall together not exceed fifty in number, of which there shall not be a greater number of Companies of Foot Artillery than five ; and it shall be in the discretion of the Commander in Chief to determine what number of Companies of Foot Artillery shall from time to time form portion of the said number of fifty hereinbefore mentioned, not exceeding five as aforesaid.

New section substituted for 32 of 18 V. c. 77, as to drilling and exercising. **4.** The thirty-second section of the first recited Act is hereby repealed and the following section is substituted therefor:—"The Volunteer Militia Companies shall be drilled and exercised at such time in each year and at such places as the Commander in Chief may from time to time appoint ; the Volunteer Field Batteries being so drilled and exercised during twelve days in each year, of which at least six days shall be consecutive, and the other

Volunteer Corps once in each year during six consecutive days, (Sundays not reckoned in either case,) and the Companies under drill being encamped during the whole or any part of the period for drill, if the Commander in Chief sees fit; Provided that, inclusive of the pay for the year one thousand eight hundred and fifty-nine, and annually hereafter, the moneys to be paid for pay for each day on which Companies shall be so drilled, shall be paid only in the month of December in each year, and upon the Pay List and affidavit thereto being duly furnished to the Adjutant General as hereinafter required."

Proviso.

Pay List and affidavit.

New section substituted for sect. 29, of 18 V. c. 77, as to keeping of arms.

5. The twenty-ninth section of the first recited Act is hereby repealed, and in lieu thereof, the following section shall be taken and read as part of the said Act:—"The arms and accoutrements of non-commissioned officers and men of the Active Militia shall be kept in public armouries wherever there are such; and where there are no such public armouries then the Captain of each Volunteer Corps shall be personally responsible for the arms and accoutrements of the non-commissioned Officers and Men of their said Corps respectively, and shall himself actually keep the same, and may be allowed annually a sum not exceeding five pounds for so doing and for taking care of the arms and accoutrements."

Corps to appear armed on certain occasions only.

6. No Corps of Active Militia and no non-commissioned officer or private thereof, shall at any time appear armed or accoutred except when *bonâ fide* at drill whether paid or unpaid, or at target practice or at Reviews or on Field days or inspections, or for receiving distinguished persons or rendering funeral honors to deceased comrades, or when required to act in aid of the civil power under due authority; nor shall the arms and accoutrements be taken out of this Province.

New section substituted for sect. 34 of 18 V. c. 77.

7. The thirty-fourth section of the Act first above recited is hereby repealed, and in lieu thereof, the following section shall be taken and read as part thereof:

Payment of Active Militia.

"The Active Militia Force shall be paid by the Province, the sums and in the manner following:

Pay for Men and horses in class A when at Drill, for 1859.

"For the year one thousand eight hundred and fifty-nine, the non-commissioned officers and men of Class A, shall be paid for each day's actual and *bonâ fide* drill the sum of one dollar, and for each horse actually and necessarily present and used for such drill, and belonging to or used by such non-commissioned officers or men, the further sum of one dollar per diem.

A certain number only to be paid after 1859, and at what rate.

"For each and every other year, other than the year one thousand eight hundred and fifty-nine, the non-commissioned officers and men of such Corps of Class A or of such portions thereof only as are hereinafter mentioned, shall for each day's actual

actual and *bonâ fide* drill, be paid the sum of one dollar,—and in so far only as regards the horses to be used in such Field Batteries, for each horse actually and necessarily present and used for such drill, and belonging to or used by the non-commissioned officers and men of the said Field Batteries, the further sum of one dollar per diem; and which Corps or portions thereof respectively so entitled to be paid are as follows:

Artillery Corps.

"*Field Batteries.*—The non-commissioned officers and men, not exceeding seventy in number, and the horses,—not exceeding thirty-six in number,—of each of the seven Field Batteries heretofore constituted and now existing under the first recited Act;

Cavalry Corps.

"*Cavalry.*—Thirty non-commissioned officers and men of each of the five Troops of Cavalry senior in priority of Gazette under the first recited Act in Upper Canada, and thirty non-commissioned officers and men of each of the five Troops of Cavalry senior in priority of Gazette as aforesaid in Lower Canada;

Infantry Corps.

"*Infantry.*—Thirty non-commissioned officers and men of each Rifle Company, and of each Foot Company of Artillery;

Commanding Officer may divide the pay among a greater number on certain conditions.

"But it shall be within the option of the Commanding Officer of any such Corps of Cavalry, Infantry or Foot Artillery, in pursuance of any contract previously made with the non-commissioned officers and men of the Corps under his command, to distribute the total amount of pay to which such thirty men would be entitled for their drill as hereinbefore mentioned, in a lesser proportion than the sum of one dollar to each man, so that the surplus of men *bonâ fide* enrolled and acting in such Corps, to a number not exceeding twenty additional men, may receive a proportion of such pay, it being the intent hereof that no man under any such contract shall receive less than the sum of sixty cents per diem during the drill as aforesaid; And it shall be the duty of every Commanding Officer of a Corps, or, in case of his absence during the annual drill, of the officer next in command and personally present, during the month of November in each year, to forward the pay-list of the said Corps to the Adjutant General of Militia, having attached thereto an affidavit sworn before any Justice of the Peace, that the several non-commissioned officers and privates in the said pay-list named for pay, were actually and *bonâ fide* personally present at each day's drill, and were actually drilled for the number of days and in manner by law required, and were and continued severally on the roll of the said corps from the month of January in such year, and performed duty therewith when required during such year, and in addition thereto in cases of Field Batteries, that each horse in the said pay-list charged for pay was actually and necessarily present and used for such drill."

Pay List, with affidavit attached, to be transmitted to Adjutant General.

Volunteers exempt from serving as Jurors or Constables.

Evidence of service.

8. The Officers, non-commissioned Officers and men of Volunteer Corps, shall, while they continue such, be exempt from serving as Jurors or Constables; And whenever they have served as such in one or more Volunteer Corps during a term of seven years, such exemption shall continue after the expiration of the said term; and a certificate under the hand of the commanding officer of such Corps shall be sufficient evidence of the service in his Corps of any officer, non-commissioned officer or man for the then current year.

As to notice of intention to leave any Corps.

9. The period of time required by the forty-first section of the first above recited Act to be given of intention to leave any Volunteer Corps, shall be two months in lieu of one month as prescribed by the said section.

Inspection of Volunteer Corps.

10. The several Volunteer Corps shall be subject to inspection from time to time by such person or persons as shall be temporarily appointed by the Commander in Chief for such inspection, and who shall report fully to the Governor on the state of such Corps and their arms and accoutrements and the general efficiency of such force, and shall be reimbursed his or their actual travelling expenses by the Province, and paid therefor at a rate not exceeding four dollars per diem whilst so engaged; Provided that such person or persons, to be appointed from time to time for such inspection, shall be an officer or officers (not being under the rank of Field Officer) of Her Majesty's service, and actually serving in this Province, or in case the services of an officer or officers as aforesaid cannot be obtained, then such other person not being under the rank of Field Officer of Militia of this Province, who shall in like manner be reimbursed his actual travelling expenses and paid such remuneration.

Proviso: as to Rank of Inspecting Officer.

Offices of Inspecting Officer and Deputy Adjutant General may be amalgamated: salary in such case.

11. The Commander in Chief may in his discretion amalgamate the offices of Deputy Adjutant General and Inspecting Field Officer of Militia in Upper or Lower Canada, in which case the salary of the officer performing such amalgamated offices, and who shall be known as Deputy Adjutant General and Inspector of Militia, shall not exceed the sum of two thousand dollars per annum.

Uniformity of uniform in all Volunteer Corps required.

12. The uniform of the several Field Batteries,—of the several Troops of Cavalry,—and of the several Rifle Companies—continued under this Act, or hereafter to be organized, shall be of such one and similar colour, pattern and design as may be ordered by the Commander in Chief, at any time after the passing of this Act; provided that but one, and that a similar colour, pattern and design, shall be approved for each of them respectively,—the Field Batteries,—Troops of Cavalry,—Rifle Companies,—and Companies of Foot Artillery; and each of such Corps shall conform in all particulars to the order of the Commander in Chief in such respect; provided that the several Corps at present in existence or to be continued in existence under

under this Act, may continue to wear their present clothing until the same shall require to be replaced, and it shall be the duty of the Superior Officer of the said Corps respectively, to see that the same are, upon any such replacing of clothing, uniformed according to the order of the Commander in Chief in such respect.

Any number of Assistant Adjutants General may be appointed—but without pay.

13. From and after the thirtieth day of June next, the forty-eighth and forty-ninth sections of the first above recited Act are hereby repealed; but the Commander in Chief may from time to time appoint so many Assistant Adjutants General, with such duties as he may think proper or expedient, but no pay or allowances shall be made to them in respect of such appointment.

GENERAL PROVISIONS.

Adjutant General to be appointed only in cases of War or Emergency.

14. No Adjutant General of Militia shall be appointed except in case of war or any emergency, such as may, in the opinion of the Governor General, render it necessary or expedient that such office should be filled; and in case of war or any emergency as aforesaid, no person shall be appointed to the said office who is not, to the satisfaction of the Commander in Chief, a person educated to the military profession and thoroughly competent to discharge the duties of the said office of Adjutant General; and the duties of the office of Adjutant General during such vacancy shall be performed by the Deputy Adjutants General for Upper and Lower Canada respectively, under orders from time to time of the Commander in Chief, or by such person as may be appointed by the Commander in Chief, on any occasion for the special and temporary discharge of any such duties.

Any number of Rifle Corps in any locality may be constituted into a Regiment or Battalion, &c.

15. The Commander in Chief shall have full power to constitute any number of Rifle Companies of the Active Militia at any one locality or within any one district, not being less than six or more than ten Companies, into a Regiment or Battalion, and to assign or appoint thereto by commission, a Lieutenant-Colonel, two Majors, one Adjutant, one Pay-Master, one Quarter-Master, one Surgeon and one Assistant Surgeon whose rank and authority therein shall be the same as in the relative positions in Her Majesty's service, and such Regiment or Battalion shall be subject, in so far as the same are not inconsistent with the provisions of the Militia Laws of this Province, to the Queen's Regulations for the Army published by authority; and any such Lieutenant-Colonel shall have authority to appoint Staff Sergeants for any Battalion.

Appointment of Staff Officers and their rank.

16. The Commander in Chief shall have full power to appoint Staff Officers of the Active Militia with such rank as he shall from time to time think requisite or necessary for the efficiency of the Militia service, and all such appointments as have been heretofore made by him are hereby confirmed, and any such Staff Officers shall have such rank and authority in the

the Militia as are held relatively in Her Majesty's service, and their duties shall be the same for the Militia as prescribed for the Army by the Queen's Regulations aforesaid.

Unlawfully retaining moneys belonging to militiamen to be a misdemeanor.

17. Any Officer or Commissioned Officer of Militia of this Province, heretofore appointed or who may hereafter be appointed to the Active Force, or to the Sedentary Militia, and who may obtain under false pretences or who may retain or keep in his own possession, with intent to apply to his own use or benefit, any of the pay or moneys belonging to any non-commissioned officer or private of any Corps, shall be guilty of a misdemeanor, and shall be dismissed from the said Militia Force.

Annual Muster day in Upper Canada, may be on the 29th June.

18. Notwithstanding any thing contained in the sixth section of the Act first above cited, it shall be lawful for the Commander in Chief, at his discretion, but on the application of the Commandant of any Military District in Upper Canada, to direct that the annual Muster day may, in such District, be on the twenty-ninth day of June.

False swearing to be perjury.

19. Any person making an Affidavit or Declaration required in and by this Act, and who shall swear or declare falsely therein, shall be guilty of perjury.

INTERPRETATION.

Interpretation clause.

20. The word "Corps" shall, for the purposes of this Act, include any Field Battery, Troop of Cavalry, Foot Company of Artillery or Rifle Company, or any Battalion or Regiment.

Inconsistent enactments repealed.

21. All parts of the said Acts made permanent by this Act and inconsistent herewith, are hereby repealed: Provided always, That nothing herein shall be construed to relieve the Officers or men of the said Volunteer or Active Force, of any liability in respect to the Arms and Accoutrements thereof, delivered to the custody, care or possession of any of them,—or in any other respect,—under such parts of the said Acts as may be hereby repealed, but that any proceedings thereto relating shall be brought within twelve months after the discovery of any breach of the provisions thereof.

Proviso: as to liabilities incurred before this Act.

CAP. XIX.

An Act to consolidate and amend the several laws regulating the navigation of the Waters of Canada, and providing for the security of person and property thereon

[*Assented to 4th May*, 1859.]

Preamble.

FOR the greater security of life and property in Vessels navigating the Canadian waters: Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

NAVIGATION

NAVIGATION—LIGHTS AND FOG SIGNALS.

Lights for Steam Vessels.

1. All Steam Vessels, when under Steam, shall, between sunset and sunrise, exhibit the following Lights : Lights when under way.

1. A bright White Light at the Mast Head, or, if the Vessel have more than one Mast, then at the Foremast Head ;

A Green Light on the Starboard side ;

A Red Light on the Port side ;

2. The Mast-head Light shall be so constructed as to be visible on a dark night, with a clear atmosphere, at a distance of at least five miles, and shall show an uniform and unbroken light over an arc of the horizon of twenty points of the compass, and it shall be so fixed as to throw the light ten points on each side of the ship, viz., from right ahead to two points abaft the beam on either side ; Mast-head Lights described.

3. The Green Light on the Starboard side and the Red Light on the Port side shall be so constructed as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles, and show an uniform and unbroken light over an arc of the horizon of ten points of the compass, and they shall be so fixed as to throw the light from right ahead to two points abaft the beam on the Starboard and on the Port sides respectively ; Side Lights described.

4. The side Lights are to be fitted with inboard screens projecting at least three feet forward from the light, so as to prevent the lights from being seen across the bow ; Side Lights to have screens.

5. Steam Vessels, under Sail only, are not to carry their mast-head Light. Steamers under sail only.

Fog Signals for Steam Vessels.

2. All Steam Vessels, whether propelled by paddles or screws, when their steam is up, and when under way, shall in all cases of Fog use as a Fog Signal a Steam Whistle placed before the Funnel at not less than eight feet from the deck, which shall be sounded once at least every five minutes ; but when the steam is not up, they shall use a Fog Horn or Bell, as ordered for Sailing Vessels. Signals in case of fog.

Lights for Sailing Vessels.

3. 1. All Sailing Vessels when under-way or being towed shall, between sunset and sunrise, exhibit a Green Light on the Starboard Lights when under-way.

Starboard side and a Red Light on the Port side of the vessel, and such Lights shall be so constructed as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles, and shall show an uniform and unbroken light over an arc of the horizon of ten points of the compass, from right ahead to two points abaft the beam on the Starboard and on the Port sides respectively;

Coloured Lights to be *fixed* if practicable.

2. The Coloured Lights shall be *fixed* whenever it is practicable so to exhibit them; and shall be fitted with inboard screens projecting at least three feet forward from the Light, so as to prevent the Lights being seen across the bow;

If not fixed.

3. When the Coloured Lights cannot be fixed (as in the case of small vessels in bad weather), they shall be kept on deck between sunset and sunrise, and on their proper sides of the vessel, ready for instant exhibition, and shall be exhibited in such a manner as can be best seen on the approach of, or to, any other vessel or vessels, in sufficient time to avoid collision, and so that the Green Light shall not be seen on the Port side, nor the Red Light on the Starboard side.

Fog Signals for Sailing Vessels.

Signals in case of fog.

4. All Sailing Vessels, when under-way, shall, in all cases of Fog, use, when on the Starboard Tack, a Fog Horn, and when on the Port Tack shall Ring a Bell. These signals shall be sounded once at least every five minutes.

Pilot Vessels.

Lights.

5. Sailing Pilot Vessels are to carry only a White Light at the Mast-head, and are to exhibit a Flare-up Light every fifteen minutes, observing also any Trinity House regulation not inconsistent with this Act.

Vessels at Anchor.

Lights when at anchor.

6. All Vessels when at anchor, shall, between sunset and sunrise, exhibit, where it can best be seen, but at a height not exceeding twenty feet above the hull, a White Light in a Globular Lantern of eight inches in diameter, and so constructed as to show a clear, uniform, and unbroken light all round the horizon, at a distance of at least one mile.

Rafts.

Lights on Rafts.

7. The owner or conductor of every Raft shall have a bright fire kept burning thereon from sunset to sunrise, while drifting or at anchor on any navigable water.

NAVIGATION—MEETING AND PASSING.

Rule as to ships meeting each other.

8. Whenever any vessel, whether a steam or sailing vessel, proceeding in one direction, meets another vessel, whether a steam or sailing vessel, proceeding in another direction, so that if both vessels were to continue their respective courses they would pass so near as to involve any risk of a collision, the helms of both vessels shall be put to port so as to pass on the port side of each other;—And this rule shall be obeyed by all steam vessels, and by all sailing vessels whether on the port or starboard tack, and whether close-hauled or not,—unless the circumstances of the case are such as to render a departure from the rule necessary in order to avoid immediate danger, and subject also to the proviso that due regard shall be had to the dangers of navigation, and, as regards sailing vessels on the starboard tack close-hauled, to the keeping such vessels under command,—And except that vessels entering and leaving the harbour of Sorel, shall take the Port side, unless the Trinity House of Montreal shall otherwise direct.

Exception.

Exception.

Rule for steamers in narrow channels.

9. Every steam vessel, when navigating any narrow channel, shall, whenever it is safe and practicable, keep to that side of the fairway or mid-channel which lies on the starboard side of such steam vessel,—except that when two steam vessels of unequal speed are pursuing the same course, the slower vessel, if ahead, shall draw towards the Port side, and the faster vessel shall pass on the Starboard side;—and except in entering and leaving the Port of Sorel as aforesaid.

Vessels, &c., not to approach too near each other.

10. Whenever any Vessel or raft is going in the same direction with another which is ahead, the Vessel or raft first mentioned shall not be so navigated as to come within twenty yards of the other, nor shall such other be so navigated as to come within twenty yards of that first mentioned.

Penalty for contravention of Rules.

11. The Master or Person in charge of any Steam Vessel, Sailing Vessel or Raft, offending against any of the preceding provisions of this Act, shall incur a penalty not exceeding fifty pounds nor less than five pounds.

If collision ensues from breach of the above rules, owner not to be entitled to recover.

12. If in any case of collision it appears to the court before which the case is tried, that such collision was occasioned by the non-observance of any of the foregoing rules, the owner of the vessel by which such rule has been infringed shall not be entitled to recover any recompence whatever for any damage sustained by such ship in such collision, unless it is shown to the satisfaction of the court that the circumstances of the case made a departure from the rule necessary.

Breach of such rules to imply wilful default.

13. In case any damage to person or property arises from the non-observance by any vessel or raft of any of the foregoing rules, such damage shall be deemed to have been occasioned by

by the wilful default of the person in charge of such raft or of the deck of such vessel at the time, unless the contrary be proved, or it is shown to the satisfaction of the court that the circumstances of the case made a departure from the rule necessary; and the owner of the vessel or raft in all civil proceedings, and the master or person in charge as aforesaid in all proceedings, civil or criminal, shall be subject to the legal consequences of such default.

Liability.

INSPECTION OF STEAMBOATS, AND PROVISIONS FOR THE SAFETY OF THOSE ON BOARD THEM.

Inspectors.

Governor in Council may appoint Inspectors at such places as may be found advisable.

14. The Governor in Council shall, from time to time, appoint at such places as he may find advisable, within the Province, one or more skilled persons competent to inspect steamboats, and the machinery and boilers employed in the same, who shall not be interested in the manufacture of steam-engines, boilers or other machinery belonging to steamboats, and whose duty it shall be to make such inspection as hereinafter prescribed, and to give to the owner or master duplicate certificates of such inspection; and every such Inspector, before entering upon his duties as such, shall take and subscribe an oath, before any person duly authorized to administer an oath, well faithfully and impartially to execute the duties assigned to him by this Act.

Inspectors to be sworn.

Inspectors to form a Board.

Chairman—

Quorum.

15. The Inspectors shall form a board to be called the "Board of Steamboat Inspection," of whom the Governor shall name the Chairman; Three of the members shall form a *quorum*, and the Chairman shall have the right to vote, and in case of equal division he shall also have a casting vote, and the minutes of the proceedings of the board shall be kept by him.

Meetings of the board, to make Regulations, &c.

Regulations not to be in force until approved by Governor in Council.

16. The board shall meet at least once every year in the Cities of Quebec and Toronto, and at such other places as the Chairman may determine, to frame regulations for the uniform Inspection of Steamers, for the selection of Ports of Inspection, for granting Licenses to Engineers, and for such other purposes as may be necessary under this Act; and such regulations and selection shall come into force after they have been approved by the Governor in Council, but not before;—and copies of the minutes of the proceedings of the Board certified by the Chairman, shall be transmitted to the Clerk of the Executive Council.

Inspection.

Hull, boilers and machinery

17. The Master or Owner of every Steamboat, shall cause the hull, boilers and machinery thereof to be inspected at least

once

once every year, and shall deliver to the Collector of the Port where such inspection is made, or at which such Steamboat shall arrive next after such inspection, where it has not been made in port, a duplicate certificate thereof, and for every neglect to cause such inspection to be made, and a duplicate thereof to be delivered to the proper Collector, such Master or Owner shall incur a penalty of one hundred pounds, and such Steamboat shall be liable for and chargeable therewith.

to be inspected once a year:—and duplicate certificate delivered to collector.

Penalty for default.

18. The Inspector who inspects any Steamboat in the manner required by this Act, shall, after thorough examination of the Hull, Boilers and Machinery, make a certificate in which shall be stated the age of such Steamboat, when and where originally built, the length of time she has been running, whether each Boiler is sound and fit for use, its age and the heaviest pressure of steam to which it may be safely subjected, as well when the Vessel is stationary as when running, thereby establishing a maximum rate of pressure in each of those cases, the period during which such inspection is to apply, whether the machinery is sound and fit for use and whether such steamboat is sound and in all respects seaworthy and fit for the transport of freight and passengers, and he shall not make such certificate unless such steamboat be provided with such steam-guage as is hereinafter required; And duplicates of such certificates shall be delivered to the Owner or Master of the Steamboat, one of which such Master or Owner shall deliver to the Collector as aforesaid, and the other he shall keep and cause to be posted up in some conspicuous part of the Steamboat for the information of the public.

Inspection to be thorough, and certificate thereof, containing certain particulars, to be given in duplicate on certain conditions.

Certificate to be posted up in the Steamboat.

19. Any Inspector may, whenever he deems it necessary so to do, and some one of them, shall at least once in every year, subject the boiler of every steamboat to a test by hydrostatic pressure, the limit of which shall in no case exceed one hundred and fifty pounds to the square inch, and shall satisfy himself by examination and experimental trials, that such boiler is well made of good and suitable material; and the owner of the steamboat shall provide the necessary pump and apparatus for such test, to be worked by the crew of the vessel; and no Inspector shall make or deliver to the owner or master of any steamboat, any such duplicate certificate as is mentioned in the foregoing section of this Act, without having first subjected the boiler of such vessel to such test by hydrostatic pressure.

Boiler to be tested by hydrostatic pressure, &c.

Certificate not to be given without such test.

20. In subjecting boilers to the hydrostatic test aforesaid, the Inspectors shall assume one hundred pounds to the square inch as the maximum pressure allowable as a working power for a new boiler forty-two inches in diameter, made of the best refined iron, at least one quarter of an inch thick, in the best manner and of the quality herein required,—and shall rate the working pressure of all boilers, whether of greater or less diameter, according to this standard; and in all cases the

Rule to be observed in such test.

Proportion of test pressure to working pressure.

the test applied shall exceed the working pressure allowed, in the ratio of one hundred and fifty pounds to one hundred, using the water in such tests at a temperature not exceeding sixty degrees, Fahrenheit; But if any such Inspector is of opinion that any boiler, by reason of its construction or material, will not safely allow so high a working pressure, he may, for reasons to be stated specifically in his certificate, fix the working pressure of such boiler at less than two thirds of the test pressure; And these rules shall be observed in all cases, unless the proportion between such boilers and the cylinders, or some other cause, renders it manifest that their application would be unjust, in which case the Inspector may depart from these rules, if it can be done with safety; but in no case shall the working pressure allowed exceed the proportion hereinbefore mentioned, as compared with the hydrostatic test; And no valve under any circumstances shall at any time be so loaded or so managed in any way as to subject a boiler to a greater pressure than that allowed by the Inspector at the then last inspection thereof; and no boiler or pipe shall be approved which is made in whole or in part of bad material, or is unsafe in its form, or dangerous from defective workmanship, age, use or any other cause:—And no boiler made after the passing of this Act, shall be made of boiler plate which has not been stamped or marked with the name of the maker thereof, nor shall a certificate be granted with respect to any boiler made wholly or in part of plate not so marked.

In what cases only exceptions may be allowed.

Valves not to be loaded beyond certified pressure.

Boilers to be made of plate bearing maker's name.

Information to be given to Inspectors.

Inspector may ask pertinent questions of persons on board any Steamer.

21. Any Inspector may at all times, when inspecting, visiting or examining the hull or the boiler and machinery of any steamboat, ask of any or all of the owners, officers or engineers of such vessel, or other person on board thereof and in charge, or appearing to be in charge of the same or of the boiler or machinery thereof, such pertinent questions concerning the same, or concerning any accident that may have happened thereto, as he may think fit; and every such person shall fully and truly answer every such question so put to him respectively, to the best of his knowledge and ability: And every person refusing to answer, or falsely answering any such question, or preventing any such inspection or obstructing any Inspector in the same, shall, by so acting, incur a penalty of ten pounds.

Penalty for refusal to answer, &c.

Inspectors to be carried free of expense.

22. Any Inspector shall be carried free of expense on every Vessel which he shall desire to inspect while under-way, and during such period as may be necessary for such inspection and for his return to the Port at which he may have embarked on such Vessel for such purpose, or for his disembarkation at any Port at which such Vessel touches on her voyage.

Owner, &., to report cer-

23. The Master or Owner of every Steamboat, or of the person in charge thereof, shall, within forty-eight hours after the occurrence

occurrence of any event whereby the same, or the boiler, or machinery thereof, or any part of the same is in any material degree injured, strained or weakened, report such occurrence to one of the said Inspectors; and in case of omission to give such notice, the Owner of the Vessel shall forfeit to Her Majesty fifty pounds for every day during which such omission continues.

tain matters affecting safety to Inspectors.

Penalty for default.

Precautions against Explosion, &c.

24. In a conspicuous and easily accessible place in every Steamboat, there shall be a steam-guage properly constructed and open to the view of all passengers and others on board such vessel, and shewing at all times the true pressure of the steam in the boiler thereof; And whenever such steamboat shall be stopped for any purpose, the master or person in charge of such steamboat shall open the safety valve, so as to keep the steam in the said boiler down to ten pounds below the pressure limited by the Inspector's certificate in high pressure engines, and five pounds below the pressure limited as aforesaid in low pressure engines, under the penalty of fifty pounds for every contravention of this provision; And if any master or engineer of any steamboat at any time allows the pressure of steam to which the boiler of such steamboat is subjected, to exceed that limited as aforesaid, or alters or conceals or otherwise deals with the said steam guage, so as to prevent the real pressure of steam from being seen and ascertained by any passenger, he shall thereby incur a like penalty of fifty pounds for every such offence.

A steam-guage shewing the true pressure in the boiler to be open to Passengers.

Pressure to be reduced when Boat stops.

Penalty for contravention or for exceeding the licensed pressure.

25. The steam-guage required by this Act to be open to the view of all passengers and others on board any steamboat, shall be put in such places and positions, and be of such construction, as the Inspector inspecting, visiting or examining such steamboat, shall from time to time direct.

Steam-guage to be approved by Inspector.

26. Each boiler of every steam vessel shall be provided with a suitable water guage, capable of showing the water level within each boiler at all times;—And all steam vessels navigating in brackish or salt water, shall be provided with surface blow off valves such as are commonly used on board seagoing steamers.

Water guages.

Blow off valves in salt water.

27. Every Inspector, when inspecting, visiting or examining the boiler and machinery of any steamboat, shall satisfy himself that the safety-valves attached thereto are of suitable dimensions, sufficient in number, well managed and in good working order, and only loaded so as to open at or below the certified working pressure; and he may, if he thinks proper, order and cause one of such safety-valves, of sufficient dimensions to discharge all the steam the boiler can generate, and of such construction as he shall approve, to be locked up and taken wholly

Safety valves to be examined by Inspector.

He may order one to be under lock.

[illegible] away from the [illegible] persons engaged in navigating [illegible] and paid wholly [illegible] the said vessel.

Owners to cause engines to have a re-jecting pipe.

28. Every steam vessel carrying passengers and having a condensing engine shall be provided with a tube or [illegible] and pipe of a proper diameter, leading from the hot well of the vessel into the cistern of the engine.

Boats to be carried by Steamers.

Steamers to carry boats according to their tonnage.

29. The owner and master of every steamboat engaged in the transportation of freight and passengers on the Lakes Ontario, Erie, Huron, Simcoe and Superior, and on the River St. Lawrence or Ottawa, shall provide and carry with the steamboat, upon each and every voyage, two long-boats or yawls, each sufficient to carry at least twenty persons, if the burthen of such steamboat do not exceed two hundred tons, and not less than three long-boats or yawls, of the same or larger dimensions, if the tonnage of such steamboat exceeds two hundred tons; and for every failure in contravention of this section, the said master or owner shall incur a penalty of fifty pounds: But this section shall not apply to ferry-boats.

Such boats to be of a certain description

30. At least one of the boats provided for and carried with every steamboat carrying passengers, if said boat be upwards of one hundred tons burthen, in pursuance of the next preceding section, shall be a life-boat, made of metal, fire-proof, and in all respects a good, substantial, safe sea-boat, capable of sustaining, inside and out-side, fifty persons, with life-lines attached to the gunwale at suitable distances; and all of such boats shall be well furnished with oars and other necessary apparatus, and shall be good, substantial and safe boats, and in good condition at all times for service.

Precautions against Fire.

Steamers to have fire-buckets, axes and life-preservers

31. The owner and master of every such steamboat as aforesaid, shall provide and carry with the said steamboat, upon each and every voyage, at least twenty-five fire buckets and five axes, a good life-preserver made of suitable material, or a float well adapted to the purpose, for each and every passenger, which life-preservers and floats shall always be kept in convenient and accessible places in such steamboat, and in readiness for the use of the passengers.

Combustible materials not to be within a certain distance of heated iron, &c.

32. Suitable and safe provisions shall be made throughout to guard against danger from fire; and no combustible material liable to take fire from heated iron, or any other heat generated on board of such vessels in and about the boilers, pipes or machinery, shall be placed at less than six inches distant from such heated metal or other substance likely to cause ignition; and further, when wood is so exposed to ignition, it shall, as an additional preventive, be shielded by some

some incombustible material, in such manner as to allow the air to circulate freely between such material and the wood: and metallic vessels or safes should be provided and kept in some convenient place to receive cotton, waste, hemp, and other inflammable subtances, which may be in use on board; Provided, however, that when the structure of such vessels is such, or the arrangement of the boilers or machinery is such, that the requirements aforesaid cannot, without serious inconvenience or sacrifice, be complied with, Inspectors may allow deviations from the said requirements, if, in their judgment, it can be done with safety.

Proviso: Inspectors may allow deviation in certain cases.

33. Every steamboat carrying passengers shall have at least three double-acting forcing pumps, with chamber at least four inches in diameter, two to be worked by hand and one by steam, if steam can be employed independent of and not worked by the main engine, otherwise all three by hand, one whereof shall be placed near the stern, one near the stem, and one amidships, each having a suitable well-fitted hose, of at least two-thirds the length of the vessel, kept at all times in perfect order and ready for immediate use; each of the said pumps shall also be supplied with water by a pipe connected therewith, and passing through the side of the vessel, so low as to be at all times in the water when the vessel is afloat: Provided, that in vessels not exceeding two hundred tons measurement, engine-room included, two of such pumps (one of which may be the steam-pump) may be dispensed with, and in vessels of over two hundred tons, but not exceeding five hundred tons measurement, engine-room included, one of such hand-pumps may be dispensed with, but in these cases the hose shall be of such length as to reach easily to every part of the vessel.

Every steamboat to have certain pumps for throwing water in case of fire.

Proviso: as to Vessels below a certain size.

34. Every steam vessel shall also be provided with a blow valve and pipe attached to the boiler to blow steam into the hold in case of fire.

And a valve for blowing steam into the hold.

35. Every steamboat carrying passengers on the main or lower deck, shall be provided with sufficient means convenient to such passengers for their escape to the upper deck, in case of fire or other accident endangering life.

Means of escape to the upper deck to be provided.

36. And on board every steamer there shall be placed, in some conspicuous place, accessible to all the passengers, a printed paper containing the number of pumps and boats with their capacity, and also the number of fire buckets, axes and life-preservers or floats on board of said steamboats, and a statement of the places where such buckets, axes and life-preservers or floats are kept.

Notice to be posted up as to pumps, boats, &c.

Engineers.

37. Any person claiming to be qualified to perform the duty of Engineer in Steamboats, shall apply for a certificate to the

Engineers to be examined,

and if qualified to receive a certificate.

the Board of Inspectors, who shall examine the applicant and the proofs that he produces in support of his claim, and if upon full consideration they are satisfied that his character, habits of life, knowledge and experience in the duties of an Engineer are all such as to authorize the belief that the applicant is a suitable and safe person, to be entrusted with the powers and duties of such a station they shall give him a certificate to that effect for one year, under the hand and seal of the Chairmain; and the said certificate, subject to the above conditions, shall be renewed yearly, or when applied for; and for every such certificate the applicant shall pay the sum of five dollars, and for every renewal one dollar, which shall go to the Steamboat Inspection Fund hereafter mentioned; Provided always that the license of any such Engineer may be revoked by the said Board upon proof of negligence, unskilfulness or drunkenness, or upon the finding of a Coroner's Inquest.

Fee.

License may be revoked for cause.

None but licensed engineers to be employed or act.

Penalty.

38. It shall be unlawful for any person to employ or for any person to serve as engineer on any steamboat who is not licensed by the said Board, and any one so offending shall incur a penalty of fifty pounds; provided however, that if a vessel leave a port with a complement of Engineers, and on her voyage is deprived of their services or the services of any of them without the consent, fault or collusion of the master, owner or any one interested in the vessel, the deficiency may be temporarily supplied until others licensed can be obtained.

When ss. 36 and 37 shall be in force and to whom to apply.

39. Provided that the two next preceding sections shall not come into force until after the navigation shall be closed in the year one thousand eight hundred and fifty-nine, and shall only apply to those who shall hereafter become Engineers.

MISCELLANEOUS PROVISIONS,—DUTY, PENALTIES, &C.—INTERPRETATION.

Inspector may examine steamers at any time.

40. Every Inspector may at any time visit, within the limits assigned to him, any steamboat, and inspect and examine the same, and if he considers such vessel unsafe or unfit to carry passengers, he shall report thereon to the Governor in Council, who may, by Order in Council, direct that such vessel shall not be used or run until permitted so to do by the Inspector who shall have made such report, or by order of the Governor in Council; and any such vessel run or used in contravention of any such Order in Council, shall be liable to forfeiture and to seizure by the Collector of Customs at any port, and to sale, in the same way as goods liable to forfeiture for non-payment of duties.

Those reported unsafe may be stopped.

Penalty for running them.

Governor in Council may limit the number of passengers, &c.

41. The Governor in Council may, by an Order or Orders in Council, from time to time, prescribe and regulate the number of Cabin or Steerage or other passengers that may be carried by any Steamboat or class of Steamboats in this Province, either in proportion to the dimensions or tonnage thereof,

or

or both, or otherwise howsoever: But no such Order in Council shall take effect until after it has been published at least twice, at an interval of at least six days between each publication, in the *Canada Gazette.* Order to be published, &c.

42. The Owner or Master of every Steamboat in this Province shall pay, yearly and every year, a rate or duty fixed by the Governor in Council, and not exceeding six pence currency for every ton which such Steamboat measures, and an inspection fee of five dollars for every Propeller, Freight or Tug Steamer, and every Ferry Steamer not exceeding one hundred tons burden, and of eight dollars for every Ferry or Passenger Steamboat over one hundred tons burden for each inspection, made imperative by this Act;—And the amount of such rate or duty and inspection fee or fees, shall in each case be paid to and received by the Collector of Customs at some one of the Ports in this Province, who shall account for and pay over the same to the Receiver General, at such times and in such manner as the Governor in Council may from time to time direct; and such sums, so from time to time collected and paid over, shall form a special fund for the purposes of this Act, to be called "The Steamboat Inspection Fund." Duty on steamboats and inspection fees. To be paid over and form an Inspection Fund.

43. Every Collector of Customs shall from time to time demand of the Owner or Master of every Steamboat, which he may have reason to think has not been inspected as required by this Act, or in respect of which he may have reason to think the rate or duty aforesaid is due and unpaid, the exhibition of the receipt and certificate in that behalf, appertaining to such Steamboat; and if receipts and certificates as aforesaid, to his satisfaction, are not produced within a reasonable time, then such Collector shall seize and detain such Steamboat until the same are procured and exhibited, and any penalty incurred and lawfully imposed in respect of such Steamboat, under the provisions of this Act, have been paid in full; and in default of payment such Collector shall sell such Steamboat, for the payment of such rate or duty or penalties, in the usual manner as if they were incurred for violation of the Customs' Laws. Collector may seize any steamboat on which duty is unpaid. And sell the same in default of payment.

44. No Inspector shall make or deliver a certificate respecting any Steamboat under this Act, unless the receipt of a Collector of Customs for the rate or duty, payable in respect of such Vessel for the then current year, has been produced and shewn to him, nor unless he be satisfied, by careful examination, that all the conditions and requirements of this Act have been fulfilled and complied with by and in respect of such Steamboat; and every Inspector shall report to some one of the Collectors of Customs any case of omission to pay such rate or duty or of omission to apply for such inspection as aforesaid, for more than one year from the date of the then last inspection, or of refusal to submit to inspection at any time, which may at any time or in any way come to his knowledge. Inspector's certificate not to be granted for a steamer on which the duty for the year is not paid, &c. Report to be made.

Appeal from Inspector to Governor in Council.

45. Any person who feels himself aggrieved by any order or act of an Inspector, may, within two weeks thereafter, appeal therefrom to the Governor in Council, who may confirm, modify or disallow such act or order.

Liability for damages sustained by the non-observance of this Act.

46. If any damage to any person or property is sustained in consequence of the non-observance of any of the provisions of this Act for the inspection of Steamboats and the safety of those on board them, the same shall be deemed, in the absence of proof to the contrary, to have been caused by the wilful default of the Master or other person having charge of the Steamboat, in respect of which such non-observance has occurred or by which such damage is done, and the Owner thereof in all civil proceedings, and the Master or other person having charge thereof in all proceedings, whether civil or criminal, shall be subject to the legal consequences of such default.

Penalty for any contravention of this Act.

47. For every contravention in respect of any Steamboat in this Province, on any one voyage or trip thereof, of any provision in this Act or in any Order in Council made under it, the Owner or Master thereof shall incur a penalty of not more than fifty and not less than ten pounds.

Recovery and application of penalties.

48. Except as hereinafter provided,—All penalties incurred under this Act may be recovered in the name of Her Majesty, by any Inspector or by any party aggrieved by any act, neglect or omission, on the evidence of one credible witness, before any two Justices of the Peace, and in default of payment of such penalty, such Justices may commit the offender to Gaol for any period not exceeding three months;—and, except as hereinafter provided, all penalties recovered under this Act shall be paid to the Receiver General, and shall be by him placed to the credit and form part of "The Steamboat Inspection Fund": Except always, that all penalties incurred for any offence against the first thirteen sections of this Act, shall, if such offence is committed within the jurisdiction of the Trinity House of Quebec, or of the Trinity House of Montreal, be sued for, recovered and applied in like manner as penalties imposed for contravention of the By-laws of the Trinity House within whose jurisdiction the offence is committed.

Exception if incurred within jurisdiction of Trinity Houses.

Interpretation.

49. In this Act, the word "Steamboat" means any Vessel used in navigation, propelled wholly or in part by Steam; and the word "Owner" includes the Lessee or Charterer of any such vessel; the word "Boiler" is to be construed as "Boiler or Boilers," in the case of a Steamboat having more than one; and the word "Year" means the calendar year, commencing on the first day of January and ending on the thirty-first day of December.

50. The provisions of this Act relating to the Inspection of Steamboats shall not apply to Steamboats belonging to and registered in Ports not within this Province, so long as such Steamboats ply between some other country and Canada, and are only transitorily within this Province. Inspection not to apply to certain Vessels not belonging to the Province.

51. The Acts of the Parliament of this Province,— Repealing clause.

Fourteenth and fifteenth Victoria, chapter one hundred and twenty-six,— 14, 15 V. c. 126.

Sixteenth Victoria, chapter one hundred and sixty-seven,— 16 V. c. 167.

Twentieth Victoria, chapter thirty-four,— 20 V. c. 34.

The second, fourth and fifth sections of the Act of the Parliament of the late Province of Upper Canada, seventh William the Fourth, chapter twenty-two,— 7 W. 4, c. 22.

And any Trinity House By-law or Rule inconsistent with this Act,— Inconsistent Bylaws.

shall be repealed from the time this Act comes into force, except in so far as relates to any appointment made, any right acquired, or any penalty incurred, under any of them before that time, which shall be continued, enforced and recovered under them as if this Act had not been passed. Exception.

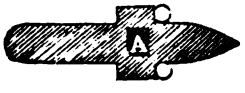
52. Except as hereinbefore provided, this Act shall come into force on the first day of July next. Commencement of this Act.

SCHEDULE.

The following Diagrams are intended to illustrate the use of the Lights carried by vessels under the foregoing Act, and the manner in which they indicate to the vessel which sees them the position and description of the vessel which carries them:

First.—When both Red and Green Lights are seen:

A sees a Red and Green Light ahead;—A knows that a vessel is approaching her on a course directly opposite to her own, as B;



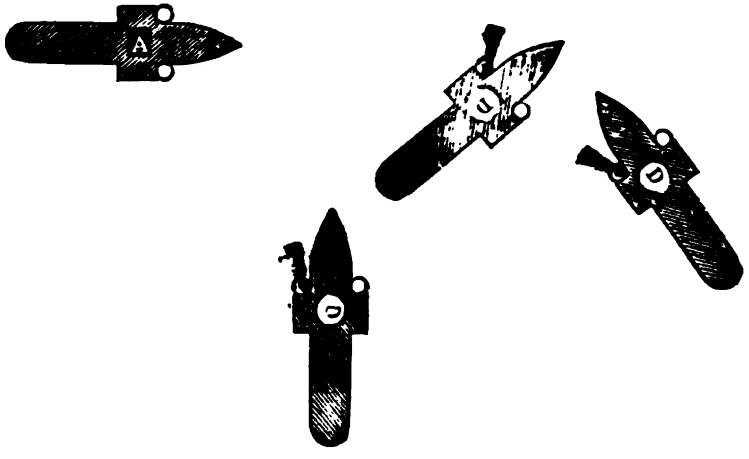
If A sees a White Mast-head Light above the other two, she knows that B is a steam-vessel.

Second.—When the Red, and not the Green Light, is seen:

A sees a Red Light ahead or on the bow; — A knows that either,

1, a vessel is approaching her on her port bow, as B;

or, 2, a vessel is crossing in some direction to port, as D D D.



If A sees a White Mast-head Light above the Red Light, A knows that the vessel is a steam-vessel, and is either approaching her in the same direction, as B, or is crossing to port in some direction, as D D D.

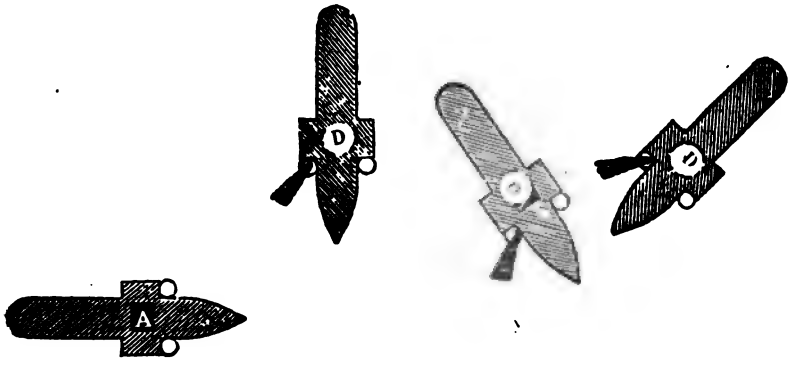
Third.—When the Green, and not the Red Light, is seen:

A sees a Green Light ahead or on the bow;—A knows that either,

1, a vessel is approaching her on her starboard bow, as B;

or,

or, 2, a vessel is crossing in some direction to starboard, as D D D.



If A sees a White Mast-head Light above the Green Light, A knows that the vessel is a steam-vessel, and is either approaching her in the same direction as B, or is crossing to starboard in some direction, as D D D.

CAP. XX.

An Act granting additional facilities in Commercial Transactions.

[*Assented to 4th May*, 1859.]

Preamble.

FOR the purpose of affording additional facilities in Commercial Transactions: Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Banks may take bills of lading, wharfinger, receipts, &c, as collateral security for bills, &c., discounted.

1. Notwithstanding any thing to the contrary in the Charter or Act of incorporation of any Bank in this Province, any bill of lading, any specification of timber, or any receipt given by a warehouseman, miller, wharfinger, master of a vessel, or carrier, for cereal grains, goods, wares or merchandize, stored or deposited, or to be stored or deposited in any warehouse, millcove, or other place in this Province, or shipped in any vessel, or delivered to any carrier for carriage from any place whatever to any part of this Province, or through the same, or on the waters bordering thereon, or from the same to any other place whatever, and whether such cereal grains are to be delivered upon such receipt in species or converted into flour, may, by indorsement thereon by the owner of, or person entitled to receive such cereal grains, goods, wares or merchandize, or his attorney or agent, be transferred to any incorporated or chartered Bank in this Province, or to any person for such Bank, or to any private person or persons, as collateral security for the due payment of any bill of exchange or note discounted by such

such Bank in the regular course of its Banking business, or any debt due to such private person or persons, and being so indorsed shall vest in such Bank or private person from the date of such indorsement, all the right and title of the indorser to or in such cereal grains, goods, wares or merchandize, subject to the right of the indorser to have the same re-transferred to him, if such bill, note or debt be paid when due; And in the event of the non-payment of such bill or note or debt when due, such Bank or private person may sell the said cereal grains, goods, wares or merchandize, and retain the proceeds or so much thereof as will be equal to the amount due to the Bank or private person upon such bill or note or debt, with any interest or costs, returning the overplus, if any, to such indorser: Provided always, that no such cereal grains, goods, wares or merchandize, shall be held in pledge by such Bank or private person for any period exceeding six calendar months; and provided also, that no transfer of any such bill of lading, specification of timber or receipt, shall be made under this Act to secure the payment of any bill, note or debt, unless such bill, note or debt is negotiated or contracted at the same time with the indorsement of such bill of lading, specification of timber or receipt; and provided further, that no sale of any cereal grains, goods, wares or merchandize, shall take place under this Act until or unless ten days' notice of the time and place of such sale shall have been given by registered letter transmitted through the Post Office, to the owner of such cereal grains, goods, wares or merchandize prior to the sale thereof.

And may sell the goods if such bills are not duly paid, returning surplus, &c.

Proviso: goods not to be held beyond a certain time.

At what time any such security must be transferred.

Goods not to be sold without notice to owner.

Act 12 V. c. 12 to apply to cases under this Act.

2 The Act of the Parliament of this Province passed in the twelfth year of the reign of Her Majesty, intituled, *An Act for the punishment of Warehousemen and others giving false receipts for merchandize, and of persons receiving advances upon goods and afterwards fraudulently disposing of the same*, shall be applicable and shall be applied to all false bills of lading, receipts or documents in the first section of this Act mentioned, and any person or persons knowingly giving, accepting, transmitting and using the same, shall be subject to all the pains and penalties imposed by that Act in respect of the receipts therein specified.

Act to apply to Banks Chartered this Session.

3. The provisions of this Act shall extend to all Banks which may be chartered during the present session, notwithstanding any thing to the contrary in any Act incorporating the same.

CAP. XXI.

An Act to amend the Laws of this Province relating to Weights and Measures.

[*Assented to 4th May*, 1859.]

Preamble. 16 V. c. 193.

WHEREAS an Act was passed in the sixteenth year of Her Majesty's Reign, chaptered one hundred and ninety-three, establishing a Standard Weight for grain and pulse; And whereas it is expedient to establish a Standard Weight in this Province, for roots, seed and some kinds of dried fruit: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Standard weights of certain articles.

1. From and after the passing of this Act, the following weights shall be, and the same are hereby declared to be the standard weights which in all cases shall be allowed to be equal to the Winchester Bushel, namely:

Potatoes, turnips, carrots, parsnips, beets and onions..	60 lbs.
Flax seed.....	50 "
Hemp seed.....	44 "
Blue grass seed.....	14 "
Castor beans.....	40 "
Salt.....	56 "
Dried Apples.....	22 "
Dried Peaches.....	33 "
Malt.....	36 "

In future contracts weight to be understood instead of measure.

2. In Upper Canada upon any sale and delivery of any of the articles in this Act mentioned, and in every contract which shall be made after the passing of this Act, for the sale and delivery of any of the said articles, the bushel shall be taken and intended to mean the weight of a bushel as regulated by this Act, and not a bushel in measure, or according to a greater or less weight; and in Lower Canada upon any sale or delivery of the said articles, the *minot* shall be taken and intended to be the weight of a bushel as regulated by this Act, and not a *minot* or bushel in measure, or according to any greater or lesser weight, unless the contrary shall appear to have been agreed upon by the parties.

Former provisions as to the cwt and ton repealed.

3. And whereas with a view to facilitate calculation, it is expedient to alter the present standard of the ton weight and hundred weight; therefore, so much of the Act of Upper Canada, passed in the fourth year of the Reign of His late Majesty, King George the Fourth, as provides that the weights and measures used in Upper Canada, shall be in accordance with the standard of Her Majesty's Exchequer in England, in so far as it relates to the standard weights of hundred weight and

and ton, and their parts, multiples and proportions respectively, and so much of any Act or law in force in Lower Canada as regulates or affects the standard of the hundred weight and the ton, shall be and the same are hereby repealed.

Hundred weight to be 100 lbs. avoirdupoids.

Ton weight to be 2,000 lbs.

4. From and after the passing of this Act, the hundred weight for weighing all goods, wares and other commodities whatsoever, sold by the hundred weight or ton weight in this Province, shall contain and consist of one hundred pounds avoirdupois, and not of one hundred and twelve pounds as heretofore, and the ton weight used for the said purposes shall contain and consist of twenty hundred weight, as hereinabove established, or of two thousand pounds avoirdupois, and not of two thousand two hundred and forty pounds as heretofore; and the said hundred weight and ton weight as hereby established, with their parts, multiples and proportions, shall be held to be, from and after the period above mentioned, the standard weight in this Province, for the weighing of all goods, wares and commodities above mentioned; and in all cases in which a duty or toll is imposed by law upon or by the hundred weight or the ton, such duty or toll shall be chargeable on the hundred weight or ton, as fixed and established by this Act.

Act to apply to duties, tolls, &c.

Laws in force as to weights and measures to apply to those hereby established.

5. All and every the laws now in force in Upper and Lower Canada respectively, relating to the examination and adjustment of weights and measures in the said sections of the Province, shall be extended to and apply to the standards of the ton weight and hundred weight hereby established, and to the several parts and proportions thereof, the said standard weights hereby established being, as regards such inspection and adjustment and the duties of the inspectors of weights and measures and others under the said Acts, and the penalties to be incurred for infraction thereof, in all respects substituted for the standard hundred weight and ton heretofore in use.

Act not to affect existing contracts.

6. No contract made before the passing of this Act shall be affected or avoided by any thing herein contained.

CAP. XXII.

An Act to amend the Act respecting Joint Stock Trading Companies.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is expedient to authorize the formation of Joint Stock Companies for other purposes than those now mentioned in the several Acts in that behalf: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Act 13, 14 V. c. 28, extended to Companies formed for certain purposes.

1. The Act of the thirteenth and fourteenth Victoria, chapter twenty-eight, section one, is hereby amended as follows: After the words "any kind of manufacturing, ship building, mining, mechanical or chemical business," in the said section, the words, "or for the erection of any building or buildings to be used in whole or in part for a Mechanics' Institute, for a public Reading or Lecture Room, for Agricultural or Horticultural Fairs or Exhibitions, or for Educational, Literary, or Religious purposes, or for a public Hotel, Baths and Bath Houses," shall be added.

CAP. XXIII.

An Act to amend the Act "to provide for the Registration of Debentures issued by Municipal and other Corporate Bodies."

[*Assented to 4th May*, 1859.]

Preamble. 22 V. c. 91.

WHEREAS several Municipalities in Upper Canada have by their petitions prayed that the Act passed in the twenty-second year of Her Majesty's Reign, intituled, *An Act to provide for the Registration of Debentures issued by Municipal and other Corporate Bodies*, may be amended in so far as relates to the publication thereby required; And whereas, in order to lessen the expenses connected therewith, it is desirable that such amendments should be made: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Part of sects. 1 and 2 requiring publication in newspapers, repealed.

1. So much of the first and second sections of the above recited Act as declares it to be the duty of the Clerk or Secretary-Treasurer, or person acting as such, of every Municipal or Provisional Municipal Corporation, and of the Clerk or Secretary, or person acting as such, of any other Corporate Body, to cause the Returns therein specified to be published in the *Canada Gazette*, and also in some newspaper published in such County, or if there be no newspaper, then in some newspaper in the County nearest thereto in which there is a newspaper, shall be and the same are hereby repealed.

Return to be made to Auditor instead.

2 In lieu of such publication, it shall be the duty of the Clerk or Secretary-Treasurer, or person acting as such, of every Municipal or Provisional Municipal Corporation, and of the Clerk or Secretary, or person acting as such, of any other Corporate Body (excepting such as are in and by said Act excepted), on or before the tenth day of January in each year, to transmit to the Auditor a Return made up to the thirty-first day of December then last past, in the form specified in the Schedule hereunto annexed marked C, shewing the name of the Municipal or Provisional Municipal Corporation, or other Corporate Body,—the amount of

of its debt, if any, distinguishing the amount of debt incurred under the Municipal Loan Fund Acts, if any, from the remainder of its debt,—the assessed value of the real and personal estate belonging to such Corporation or Company, or the assessed value of the real and personal estate of the Municipality, or both, as the case may be,—the total rates, if any, per pound, assessed on such last mentioned property for all purposes, and the amount of interest due by the Corporation or Company, or by the Municipality.

Auditor to compile tables from such Returns and lay them before Parliament.

3. The Auditor shall annually compile from the Returns so transmitted a statement in tabular form, shewing the names of the several Corporations in one column, and the contents of their respective Returns against their respective names in other columns corresponding to those in the said Schedule; and he shall cause copies thereof to be laid before each branch of the Legislature within the first fifteen days of the Session next after the completion of the same, or if Parliament be sitting when the same is completed, as soon as may be after such completion.

Time for transmitting By-laws to Registrars, extended.

4. The time limited by the first section of the said Act, for causing copies of By-laws and Returns relating to By-laws, passed before the date of the said Act to be transmitted to Registrars of Counties and Registration Divisions, is hereby extended to six months after the passing of this Act.

Penalty on Officers of Corporations neglecting their duties under the said Act and this Act.

5. Any Clerk, Secretary, or Secretary-Treasurer as aforesaid, of any Municipality or Corporate Body as aforesaid, neglecting to perform, within the proper period, any duty devolving upon him in virtue of this Act, or of the said Act as amended by this Act, shall be subject to a fine of fifty pounds, or in default of payment thereof, to imprisonment until such fine is paid, but for a period not exceeding twelve months, to be prosecuted for in the name of the Attorney General, in any Court having competent jurisdiction.

Punishment under former Act repealed.

6. So much of the Act first above mentioned as provides any punishment, is repealed.

SCHEDULE

SCHEDULE C.

RETURN as required by the Act intituled (*here insert title of this Act*) of Debentures issued by (*here insert title of Corporation.*)

LIABILITIES.			Assessed value of Real and Personal Estate belonging to the Body Corporate.		Assessed value of the Real and Personal Estate of the Municipality.		Total rates Assessed for all purposes.	Interest due by the Corporation (*or* Company, *or* Municipality.)
Under Municipal Loan Fund Acts.	All other Liabilities.	Total Liabilities.	Real.	Personal.	Real.	Personal.		

CAP. XXIV.

An Act further to amend the laws relating to the crime of Forgery.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is expedient further to amend the laws relating to the crime of forgery: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Forging or counterfeiting marks, labels, on goods, how punishable.

1. Every person who shall knowingly and wilfully, and with intent to deceive and defraud, forge or counterfeit, or cause or procure to be forged or counterfeited any private mark, token, stamp or label of any manufacturer, mechanic or other person being a resident of this Province, upon or with respect to any goods, wares or merchandize whatsoever, shall be guilty of felony, and shall be punished by imprisonment in the Common Gaol for a term at the discretion of the Court, but less than two years.

Vending goods, &c., with forged marks or labels to be a misdemeanor, and how punishable.

2. Every person who shall vend any goods, wares or merchandize, having thereon any forged or counterfeited private mark, token, stamp or label, purporting to be the private mark, token, stamp or label of any other person being a resident of this Province, knowing the same at the time of the purchase thereof by him to be forged or counterfeited, shall be guilty of a misdemeanor, and shall be punished by imprisonment in the Common Gaol for a term not exceeding six months, or by a fine of not more than one hundred dollars, or by both, in the discretion of the Court.

CAP. XXV.

An Act to amend the Law of False Pretences.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is expedient to amend the law relating to false pretences: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Obtaining signature to any bill, &c., by false pretences to be a misdemeanor.

1. If any person by any false pretence obtains the signature of any other person to any bill of exchange, promissory note, or any valuable security, with intent to cheat or defraud, every such offender shall be guilty of a misdemeanor, and shall be liable to fine or imprisonment, or both, at the discretion of the Court; such imprisonment to be for a period less than two years.

CAP.

CAP. XXVI.

An Act to prevent the carrying of Bowie-knives, Daggers, and other deadly weapons about the person.

[*Assented to 4th May*, 1859.]

Preamble. WHEREAS the practice of carrying deadly weapons about the person is attended with great danger, and tends to aggravate the consequences of sudden quarrels, and it is therefore expedient to put a stop to it: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Punishment for carrying certain weapons. **1.** If any person shall, from and after the passing of this Act, carry about his person any Bowie-knive, Dagger or Dirk, or any weapons called or known as Iron Knuckles, Skull-crackers, or Slung Shot, or other offensive weapons of a like character, or shall secretly carry about the person any instrument loaded at the end, or shall sell or expose for sale, publicly or privately, any such weapon, he shall be subject, on conviction, to a fine of not less than ten nor more than forty dollars, and in default of payment thereof, to imprisonment for a term not exceeding thirty days, at the discretion of the Court wherein the offence is tried; Provided that nothing herein contained shall apply to Her Majesty's Army or Navy, or Militia, or Volunteer Force, nor to any Highland or National Society carrying arms as part of their national costume.

Proviso: Act not to apply to certain cases.

How the offender shall be tried. **2.** Any person charged with having committed any offence against the provisions of this Act, may be tried and dealt with in pursuance of the Act twentieth Victoria, chapter twenty-seven, as amended by the Act twenty-second Victoria, chapter twenty-seven.

Weapons to be impounded. **3.** It shall be the duty of the Court or Magistrate before whom any person is convicted under this Act, to impound the weapon for carrying which such person is convicted, and to cause the same to be destroyed.

Limitation of prosecutions. **4.** All prosecutions under this Act shall be commenced within one month from the offence charged; and from any conviction or decision under this Act, an appeal shall lie to the Court of General Quarter Sessions of the Peace for the County in Upper Canada or District in Lower Canada wherein the same takes place, subject in Upper Canada to the provisions of the Act thirteenth and fourteenth Victoria, chapter fifty-four, and in Lower Canada to the provisions of law regulating appeals to the Quarter Sessions generally.

Appeal allowed.

Public Act. **5.** This shall be a Public Act.

CAP.

CAP. XXVII.

An Act respecting the application of Convict Labour, and the punishment of incorrigible offenders.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is expedient to authorize the Warden of the Provincial Penitentiary to employ Convicts on the grounds of the Criminal Lunatic Asylum, at Rockwood, near Kingston, when occasion may require; And whereas it is expedient to amend the ninth Section of "The Prison Inspection Act, 1857:" Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Convicts may be taken to the Criminal Lunatic Asylum at Rockwood.

1. The Warden of the Provincial Penitentiary may, from time to time, under the sanction of the Inspectors of the Provincial Penitentiary, cause to be conveyed and taken from the Penitentiary such and so many Convicts as he may think proper to the Criminal Lunatic Asylum grounds at Rockwood, near the City of Kingston, and there to retain them so long as he may think proper, under such sanction, and cause them to be returned to the Provincial Penitentiary.

How the conveyance of such convicts to and fro, shall be conducted.

2. Such Convicts shall proceed or be conveyed to such Lunatic Asylum grounds and from thence be reconveyed to the Provincial Penitentiary by land or water, as to the said Warden may appear most prudent and desirable, in such manner and under such regulations as shall be provided by the Inspectors of the Provincial Penitentiary; and their conveyance to and fro, and also their employment in and upon the said grounds at Rockwood, shall be done only under the strictest supervision and care of officers appointed to that duty, and under and subject to such written rules and regulations for the transport, regulation and supervision of the Convicts whilst so employed, to be made by the Inspectors of the Provincial Penitentiary, as may be approved by the Governor in Council.

Penitentiary to include Rockwood and the carriages, &c., used for conveying convicts.

3. The said Penitentiary shall be held to include the carriages, waggons, vehicles, boats, scows or other vessel or vessels of carriage by which the Convicts may be so, from time to time, conveyed, and also any wharf at which the said Convicts may be landed or embarked, and the houses, buildings and erections, and also all and every the grounds at Rockwood, upon which, or any part of which, the said Convicts may be so engaged in labour as aforesaid.

Provisions of 14, 15 V. c. 2, extended to cases, &c., under this Act.

4. All and every the provisions of the Act passed in the session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act for the better management of the Provincial Penitentiary*, so far as the same shall be consistent with the purposes

purposes of the preceding sections of this Act, shall be applicable to the Convicts whilst so being conveyed or employed as aforesaid, and to the limits of the Provincial Penitentiary, as extended by the third section of this Act.

Sect. 9, of 20 V. c. 28, repealed.

5. The ninth section of "The Prison Inspection Act, 1857," is hereby repealed, and the following section shall be substituted for such repealed section, and shall be read as part of the said Act:

New Section substituted.

Incorrigible offenders may be removed from Reformatory Prisons to the Penitentiary.

"It shall be lawful for the Governor at any time, on report of the Inspectors, in his discretion, to order any offender sentenced under the fifth section of this Act, or any Convict transferred to either of the Reformatory Prisons of this Province, under the seventh section of this Act, to be removed from either of the said Reformatory Prisons, as incorrigible, and in every such case the offender or Convict shall be liable to be confined in the Provincial Penitentiary for the remainder of the term of imprisonment for which he shall have been originally sentenced in such Reformatory Prison or in the Provincial Penitentiary."

CAP. XXVIII.

An Act to continue for a limited time the several Acts and Ordinances therein mentioned, and for other purposes.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is expedient further to continue the Acts and Ordinances hereinafter mentioned, which would otherwise expire at the end of the present Session: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Acts of Canada. 7. V. c. 36, As amended by 10, 11 V. c. 20, and by 14, 15 V. c. 123. 8 V. c. 6,

1. The Act of the Parliament of this Province, passed in the seventh year of Her Majesty's Reign, and intituled, *An Act to prevent obstructions in Rivers or Rivulets in Upper Canada*, as amended and explained by the Act of the said Parliament, passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to amend, explain and continue an Act passed in the seventh year of the Reign of Her Majesty, intituled, 'An Act to prevent obstructions in Rivers or Rivulets in Upper Canada,'* and by the Act of the said Parliament, passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to explain and amend the Acts for preventing obstructions in Rivers and Rivulets in Upper Canada*, and both the said last mentioned Acts; the Act of the said Parliament passed in the eighth year of Her Majesty's Reign, and intituled, *An Act for the better preservation of the Peace and the prevention of Riots and*

As amended and extended by—

14, 15 V. c. 76.

8 V. c 27.

8 V. c. 48, except s. 44.

9 V. c. 38.

10, 11 V. c. 1.

11 V. c. 7.

14, 15 V. c. 2.

14, 15 V. c. 92.

16 V. c. 205.

Acts of Lower Canada.

L. C. 2 G. 4, c. 8.

L. C. 2 G. 4, c. 10,

As amended by—

L. C., 4 G. 4, c. 26.

and violent outrages at and near Public Works, while in the progress of construction, as amended and extended by the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to continue an Act passed in the eighth year of the Reign of Her Majesty, intituled, 'An Act for the better preservation of the Peace and the prevention of Riots and violent outrages at and near Public Works, while in progress of construction,' and to extend the operation thereof to certain works undertaken by Incorporated Companies*, and the said last mentioned Act; the Act of the said Parliament, passed in the eighth year of Her Majesty's Reign, and intituled, *An Act to amend the Act and Ordinance therein mentioned, relative to the Registration of Titles to, and Incumbrances upon, Real Property in Lower Canada;* the Act of the said Parliament, passed in the same year of Her Majesty's Reign, and intituled, *An Act for the relief of Insolvent Debtors in Upper Canada, and for other purposes therein mentioned*, except the forty-fourth Section of the said Act; the Act of the said Parliament, passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to empower Commissioners for enquiring into matters connected with the public business, to take evidence on oath;* the Act of the said Parliament, passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to enlarge the powers of the Trinity House of Montreal, in certain cases where the Public Health of the City may be endangered;* the Act of the said Parliament, passed in the eleventh year of Her Majesty's Reign, and intituled, *An Act to provide for the Inspection of Butter in Quebec and Montreal;* the Act of the said Parliament, passed in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act for the better Management of the Provincial Penitentiary;* the Act passed in the same Session, and intituled, *An Act to provide a more summary and less expensive process for Proprietors of Real Property in Lower Canada to acquire possession thereof, when illegally detained from them in certain cases*, as amended by the Act passed in the sixteenth year of Her Majesty's Reign, and intituled, *An Act to amend the Act fourteenth and fifteenth Victoria, chapter ninety-two, relating to the illegal detention of Real Property in Lower Canada*, and the said last mentioned Act; the Act of the Parliament of the late Province of Lower Canada, passed in the second year of the Reign of His late Majesty King George the Fourth, and intituled, *An Act for better regulating the Common of the Seigneurie of Laprairie de la Madeleine;* the Act of the said Parliament, passed in the same year of the same Reign, and intituled, *An Act to enable the inhabitants of the Seigneurie of La Baie Saint Antoine, commonly called La Baie du Febvre, to provide for the better regulation of the Common in the said Seigneurie*, as amended and extended by the Act of the said Parliament, passed in the fourth year of the same Reign, and intituled, *An Act to authorize the Chairman and Trustees of the Common of the Seigniory of the Baie Saint Antoine, commonly called*

called the Baie du Febvre, to terminate certain disputes relating to the limits of the said Common, and for other purposes appertaining to the same; the Act of the said Parliament, passed in the ninth year of the same Reign, and intituled, *An Act to provide for the more effectual extinction of secret incumbrances on lands than was heretofore in use in this Province;* the Act of the said Parliament, passed in the same year of the same Reign, and intituled, *An Act to prevent fraudulent Debtors evading their Creditors in certain parts of this Province;* the Act of the said Parliament, passed in the same year of the same Reign, and intituled, *An Act to facilitate the proceedings against the Estates and Effects of Debtors in certain cases;* the Act of the said Parliament, passed in the same year of the same Reign, and intituled, *An Act to alter and amend An Act passed in the sixth year of His Majesty's Reign, intituled, 'An Act to authorize the inhabitants of the Fief Grosbois, in the County of Saint Maurice, to make regulations for the Common of the said Fief;'* the Act of the said Parliament passed in the first year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to encourage the destruction of Wolves;* the Act of the said Parliament, passed in the third year of the same Reign, and intituled, *An Act further to suspend certain parts of an Act or Ordinance therein mentioned, and to consolidate and further to continue for a limited time the provisions of two other Acts therein mentioned, for more effectually ascertaining the damages on protested Bills of Exchange, and for determining disputes relating thereto, and for other purposes;* the Act of the said Parliament, passed in the sixth year of the same Reign, and intituled, *An Act to provide for the Medical Treatment of sick Mariners*, as amended by the Act of the Parliament of Canada, passed in the eighth year of Her Majesty's Reign, and intituled, *An Act for the relief of shipwrecked and destitute Mariners, in certain cases therein mentioned*, and by the Act passed in the sixteenth year of Her Majesty's Reign, and intituled, *An Act to exempt certain Vessels from the duty imposed by the Act to provide for the Medical Treatment of sick Mariners*, and both the said last mentioned Acts; the Act of the Parliament of the late Province of Upper Canada, passed in the eleventh year of the Reign of His late Majesty King George the Fourth, and intituled, *An Act to authorize the Quarter Sessions of the Home District to provide for the relief of Insane Destitute persons in that District;* the Act of the said Parliament, passed in the third year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to continue an Act passed in the eleventh year of His late Majesty's Reign, intituled, 'An Act to authorize the Quarter Sessions of the Home District to provide for the relief of Insane destitute persons in that District,' and to extend the provisions of the same to the other Districts of this Province;* and the Act of the said Parliament, passed in the sixth year of the same Reign, and intituled, *An Act to repeal an Act passed in the forty-ninth year of*

L. C., 9 G. 4, c. 20.
L. C., 9 G. 4, c. 27.
L. C., 9 G. 4, c. 28.
L. C., 9 G. 4, c. 32.
L. C., 1 W. 4, c. 6.
L. C., 3 W. 4, c. 14.
L. C., 6 W. 4, c. 35.
As amended by—
8 V. c. 13.
16 V. c. 166.
Acts of Upper Canada:
U. C., 11 G. 4, c. 20.
U. C., 3 W. 4, c. 45.
U. C., 6 W. 4, c. 33.

of the Reign of His late Majesty King George the Third, intituled, 'An Act to encourage the destroying of Wolves in this Province,' and to make further provision for exterminating those destructive animals,—shall be, and all and every of the said Acts and Ordinances are hereby continued to the first day of January, one thousand eight hundred and sixty, and from thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer.

The said Acts continued to 1st January, 1860, and to the end of the then next Session.

Acts of Canada:

7 V. c. 10.

9 V. c. 30.

12 V. c. 18.

13, 14 V. c. 20.

2. The Act of the Parliament of this Province, passed in the seventh year of Her Majesty's Reign, and intituled, *An Act to repeal an Ordinance of Lower Canada, intituled, 'An Ordinance concerning Bankrupts, and the administration and distribution of their estates and effects,' and to make provision for the same object throughout the Province of Canada*, and the Act amending the same, passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to continue and amend the Bankrupt Laws now in force in this Province*, in so far only as the same are continued by and for the purposes mentioned in the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to make provision for the continuance and completion of proceedings in Bankruptcy now pending*, and the said last mentioned Act; and the Act of the said Parliament, passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to afford relief to Bankrupts in certain cases*, shall respectively be and they are hereby continued, and shall remain in force until the said first day of January, one thousand eight hundred and sixty, and thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer.

Continued to 1st January, 1860, &c.

Acts of Lower Canada:

L. C., 6 W. 4, c. 19.

3. The Act of the Parliament of the late Province of Lower Canada aforesaid, passed in the sixth year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to regulate the Fees of persons employed by Justices of the Peace in the Country Parishes, as Clerks or Bailiffs in certain cases*, shall be and is hereby continued to the said first day of January, one thousand eight hundred and sixty, and thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer: Provided always, that in the several Judicial Districts of Lower Canada, so much of the said Act as relates to the Fees to be granted to persons acting as Clerks to Country Magistrates, shall cease to have any force in the said Districts respectively, if or so soon as a Tariff of Fees shall have been promulgated in such District, under the provisions of an Act, passed in the Session of the Legislature held in the fourteenth and fifteenth years of Her Majesty's reign, and intituled, *An Act to facilitate the performance of the duties of Justices of the Peace out of Sessions, with respect to summary convictions and orders.*

Continued to 1st January, 1860, &c.

Proviso: To cease when Tariffs are made under—

L. C., 14, 15 V, c. 95.

18 V. c. 77.

4. The Act of the Parliament of this Province passed in the eighteenth year of Her Majesty's reign, and intituled, *An Act to regulate*

regulate the Militia of this Province, and to repeal the Acts now in force for that purpose, and the Act amending the same passed in the nineteenth and twentieth years of Her Majesty's Reign and intituled, *An Act to amend the Militia Law*, shall respectively be and they are hereby continued and shall remain in force until the said first day of January, one thousand eight hundred and sixty, and thence until the end of the then next ensuing session of the Provincial Parliament and no longer, subject always to the proviso contained in the last section of the Act first cited in this section and hereby continued.

19, 20 V. c. 44, Continued to 1st January, 1860, &c.

5. Provided always, that nothing herein contained shall prevent the effect of any Act passed during the present Session, repealing, amending, rendering permanent, or continuing to any further period than that herein appointed, any of the Acts or Ordinances hereinbefore mentioned and continued, nor shall continue any provision or part of any of the Acts or Ordinances in this Act mentioned, which may have been repealed by any Act passed during the present Session or in any previous Session.

Proviso: this Act not to prevent the effect of any other Act of the present session.

6. The period limited by the Act of the Parliament of this Province, passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to amend the Acts passed to remedy certain defects in the Registration of Titles in the County of Hastings*, as that within which it shall be lawful for the Registrar or Deputy Registrar of the County of Hastings to receive and index any memorial, under the authority of the Act of the said Parliament, passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to remedy certain defects in the Registration of Titles in the County of Hastings, in Upper Canada*, or of the Act of the said Parliament, passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to alter and amend an Act, intituled, 'An Act to remedy certain defects in the Registration of Titles in the County of Hastings, in Upper Canada*, or to endorse any Deed, Conveyance, Will or Probate, to which such memorial relates, shall be and is hereby extended to the said first day of January, one thousand eight hundred and sixty, and thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer.

Period limited by the Acts of Canada:
12 V. c. 97.
9 V. c. 12.
10, 11 V. c. 38.
Extended to 1st January, 1860, &c.

CAP. XXIX.

An Act respecting the Consolidated Statutes of Canada.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it has been found expedient to revise, classify and consolidate the Public General Statutes which apply to the whole Province of Canada;—And whereas such revision, classification and consolidation have been made accordingly;

accordingly; And whereas it is expedient to provide for the incorporation therewith of the Public General Statutes passed during the present Session in so far as the same affect the whole Province, and for giving the force of law to the body of Consolidated Statutes to result from such incorporation: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Original Roll of Statutes revised, &c., to be certified and deposited.

1. The printed Roll attested as that of the said Statutes so revised, classified and consolidated as aforesaid, under the signature of His Excellency the Governor General, that of the Clerk of the Legislative Council and that of the Clerk of the Legislative Assembly, and deposited in the office of the Clerk of the Legislative Council, shall be held to be the original thereof, and to embody the several Acts and parts of Acts mentioned as to be repealed in the Schedule A thereto annexed; but the marginal notes thereon, and the references to former enactments at the foot of the several sections thereof form no part of the said Statutes and shall be held to have been inserted for convenience of reference only, and may be omitted or corrected, and any mis-print or clerical error in the said Roll may also be corrected,—in the Roll hereinafter mentioned.

As to marginal notes, mis-prints, &c.

Governor may cause the legislation of this Session to be incorporated with the Statutes in the said Roll.

2. The Governor may select such Acts and parts of Acts passed during the present Session, as he may deem it advisable to incorporate with the said Statutes contained in the said first mentioned Roll, and may cause them to be so incorporated therewith, adapting their form and language to those of the said Statutes (but without changing their effect), inserting them in their proper places in the said Statutes, striking out of the latter any enactments repealed by or inconsistent with those so incorporated, altering the numbering of the chapters and sections, if need be, and adding to the said Schedule A a list of the Acts and parts of Acts of the present Session so incorporated as aforesaid; and the Governor may direct that all sums of money stated in the said Roll in Halifax currency, be converted into dollars and cents, in all cases where it can be conveniently done.

Certified Roll including the legislation of the present Session to be deposited and serve as the original thereof.

3. So soon as the said incorporation of such Acts and parts of Acts with the said Statutes, and the said addition to the said Schedule A shall have been completed, the Governor may cause a correct printed Roll thereof attested under his signature and countersigned by the Provincial Secretary, to be deposited in the office of the Clerk of the Legislative Council, which Roll shall be held to be the original thereof, and to embody the several Acts and parts of Acts mentioned as repealed in the amended Schedule A thereto annexed; any marginal notes however, and references to former enactments which may appear thereon being held to form no part of the said Statutes, but to be inserted for convenience of reference only.

4.

Proclamation for bringing the Consolidated Statutes into force on a certain day.

4. The Governor in Council, after such deposit of the said last mentioned Roll, may, by Proclamation, declare the day on, from and after which the same shall come into force and have effect as law by the designation of "The Consolidated Statutes of Canada."

On and after that day; they shall be in force—and the enactments embodied in them repealed.

Exception.

5. On, from and after such day, the same shall accordingly come into force and effect as and by the designation of "The Consolidated Statutes of Canada," to all intents as though the same were expressly embodied in and enacted by this Act, to come into force and have effect on, from and after such day; and on, from and after the same day, all the enactments in the several Acts and parts of Acts in such amended Schedule A mentioned as repealed shall stand and be repealed, —save only as hereinafter is provided.

Saving as to transactions, &c., anterior to the repeal.

6. The repeal of the said Acts and parts of Acts shall not revive any Act or provision of law repealed by them: nor shall the said repeal prevent the effect of any saving clause in the said Acts and parts of Acts, or the application of any of the said Acts or parts of Acts or of any Act or provision of law formerly in force,—to any transaction, matter or thing anterior to the said repeal, to which they would otherwise apply.

Certain matters anterior to the repeal not to be affected by it,—

7. The repeal of the said Acts and parts of Acts shall not affect—

Penalties, &c.

1. Any penalty, forfeiture or liability, civil or criminal, incurred before the time of such repeal, or any proceedings for enforcing the same, had, done, completed or pending at the time of such repeal,—

Indictments, &c.

2. Nor any indictment, information, conviction, sentence or prosecution had, done, completed or pending at the time of such repeal,—

Actions, &c.

3. Nor any action, suit, judgment, decree, certificate, execution, process, order, rule or any proceeding, matter or thing whatever respecting the same, had, done, made, entered, granted, completed, pending, existing, or in force at the time of such repeal,—

Acts, deeds, rights, &c.

4. Nor any act, deed, right, title, interest, grant, assurance, descent, will, registry, contract, lien, charge, matter or thing, had, done, made, acquired, established or existing at the time of such repeal,—

Offices, &c.

5. Nor any office, appointment, commission, salary, allowance, security, duty, or any matter or thing appertaining thereto, at the time of such repeal,—

Marriages, &c.

6. Nor any marriage, certificate or registry thereof, lawfully had, made, granted or existing before or at the time of such repeal,—

7.

Any other matters, &c.

7. Nor shall such repeal defeat, disturb, invalidate or prejudicially affect any other matter or thing whatsoever, had, done, completed, existing or pending at the time of such repeal;

But the same to remain valid, &c.

8. But every

Such penalty, forfeiture and liability, and every such

Indictment, information, conviction, sentence and prosecution, and every such

Action, suit, judgment, decree, certificate, execution, process, order, rule, proceeding, matter or thing, and every such

Act, deed, right, title, interest, grant, assurance, descent, will, registry, contract, lien, charge, matter or thing, and every such

Office, appointment, commission, salary, allowance, security and duty, and every such

Marriage, certificate and registry, and every such other matter and thing, and the force and effect thereof, respectively,

And may be enforced, &c., and under what laws.

May and shall, both at law and in equity, remain and continue as if no such repeal had taken place, and, so far as necessary, may and shall be continued, prosecuted, enforced and proceeded with under the said Consolidated Statutes and other the Statutes and Laws having force in this Province, so far as applicable thereto, and subject to the provisions of the said several Statutes and Laws.

Consolidated Statutes not to be deemed new Laws.

8. The said Consolidated Statutes shall not be held to operate as new laws, but shall be construed and have effect as a consolidation and as declaratory of the law as contained in the said Acts and parts of Acts so repealed, and for which the said Consolidated Statutes are substituted.

How construed if in any case they differ from the repealed Acts, &c.

9. But if upon any point the provisions of the said Consolidated Statutes are not in effect the same as those of the repealed Acts and parts of Acts for which they are substituted, then as respects all transactions, matters and things subsequent to the time when the said Consolidated Statutes take effect, the provisions contained in them shall prevail, but as respects all transactions, matters and things anterior to the said time, the provisions of the said repealed Acts and parts of Acts shall prevail.

As to references to re-

10. Any reference in any former Act remaining in force, or in any instrument or document, to any Act or enactment so repealed,

repealed, shall after the Consolidated Statutes take effect, be held, as regards any subsequent transaction, matter or thing, to be a reference to the enactments in the Consolidated Statutes having the same effect as such repealed Act or enactment. Repealed Acts, in former Acts, &c.

11. The insertion of any Act in the said Schedule A shall not be construed as a declaration that such Act or any part of it was or was not in force immediately before the coming into force of the said Consolidated Statutes. As to effect of insertion of an Act in Schedule A.

12. Copies of the said Consolidated Statutes printed by the Queen's Printer from the amended Roll so deposited, shall be received as evidence of the said Consolidated Statutes in all Courts and places whatsoever. Copies by Queen's Printer to be evidence.

13. The Interpretation Act contained in the said Consolidated Statutes, shall apply to them and to this Act;—and in construing this Act or any Act forming part of the said Statutes, unless it be otherwise provided, or there be something in the context or other provisions thereof indicating a different meaning or calling for a different construction: Interpretation of the said statutes.

1. The enactments in such Act apply to the whole Province of Canada; Extent of enactments.

2. The Law is to be considered as always speaking, and whenever any matter or thing is expressed in the present tense, the same is to be applied to the circumstances as they arise, so that effect may be given to each Act and every part thereof according to its spirit, true intent and meaning; Law to be construed as speaking at the time when the case arises.

3. The word "shall" is to be construed as imperative, and the word "may" as permissive; "Shall" and "may."

4. Whenever the word "herein" is used in any section of an Act, it is to be understood to relate to the whole Act and not to that section only; Herein.

5. When any Act or thing is required to be done by more than two persons, a majority of them may do it; Quorum.

6. The word "Proclamation" means a Proclamation under the Great Seal, and the expression "Great Seal" means the Great Seal of the Province of Canada; Proclamation.

7. When the Governor is authorized to do any act by Proclamation, such Proclamation is to be understood to be a Proclamation issued under an order of the Governor in Council; but it shall not be necessary that it be mentioned in the Proclamation that it is issued under such order; Proclamation.

8.

County. 8. The word "County" includes two or more Counties united for purposes to which the enactment relates.

As to English and French Versions. **14.** If upon any point there be a difference between the English and the French versions of the said Statutes, that version which is most consistent with the Acts consolidated in the said Statutes shall prevail.

As to distribution of copies. **15.** The laws relating to the distribution of the printed copies of the Statutes shall not apply to the said Consolidated Statutes, but the same shall be distributed in such numbers and to such persons only, as the Governor in Council may direct.

This to be printed with the said statutes. **16.** This Act shall be printed with the said Consolidated Statutes and shall be subject to the same rules of construction as the said Consolidated Statutes;—And any Chapter of the said Statutes may be cited and referred to in any Act and proceeding whatever, Civil and Criminal, either by its title as an Act,—or by its number as a Chapter in the copies printed by the Queen's Printer,—or by its short title.

How they may be cited.

Governor may cause certain Imperial Acts &c., to be printed with the said statutes. **17.** The Governor may direct that any Acts or parts of Acts of the Imperial Parliament, Proclamations, Treaties or other Public documents which he may select as of general interest to the people of this Province, be printed and annexed to and distributed with the printed copies of the said Consolidated Statutes.

CAP. XXX.

An Act respecting the Consolidated Statutes for Upper Canada.

[*Assented to 4th May*, 1859.]

Preamble. WHEREAS it has been found expedient to revise, classify and consolidate the Public General Statutes which apply exclusively to Upper Canada, including both those passed by the Legislature of the late Province of Upper Canada, and those passed by the Parliament of Canada;—And whereas such revision, classification and consolidation have been made accordingly; And whereas it is expedient to provide for the incorporation therewith of the Public General Statutes passed during the present Session in so far as the same affect Upper Canada exclusively, and for giving the force of law to the body of Consolidated Statutes to result from such incorporation: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Original Roll of Statutes revised, &c., to **1.** The printed Roll attested as that of the said Statutes so revised, classified and consolidated as aforesaid, under the signature of His Excellency the Governor General, that of the Clerk

Clerk of the Legislative Council and that of the Clerk of the Legislative Assembly, and deposited in the office of the Clerk of the Legislative Council, shall be held to be the original thereof, and to embody the several Acts and parts of Acts mentioned as to be repealed in the Schedule A thereto annexed; but the marginal notes thereon, and the references to former enactments at the foot of the several sections thereof form no part of the said Statutes, and shall be held to have been inserted for convenience of reference only, and may be omitted or corrected, and any mis-print or clerical error in the said Roll may also be corrected,—in the Roll hereinafter mentioned.

be certified and deposited.

As to marginal notes, mis-prints, &c.

2. The Governor may select such Acts and parts of Acts passed during the present Session, as he may deem it advisable to incorporate with the said Statutes contained in the said first mentioned Roll, and may cause them to be so incorporated therewith, adapting their form and language to those of the said Statutes (but without changing their effect), inserting them in their proper places in the said Statutes, striking out of the latter any enactments repealed by or inconsistent with those so incorporated, altering the numbering of the chapters and sections, if need be, and adding to the said Schedule A a list of the Acts and parts of Acts of the present Session so incorporated as aforesaid; and the Governor may direct that all sums of money stated in the said Roll in Halifax currency, be converted into dollars and cents, in all cases where it can be conveniently done.

Governor may cause the legislation of this Session to be incorporated with the Statutes in the said Roll.

3. So soon as the said incorporation of such Acts and parts of Acts with the said Statutes, and the said addition to the said Schedule A shall have been completed, the Governor may cause a correct printed Roll thereof attested under his signature and countersigned by the Provincial Secretary, to be deposited in the office of the Clerk of the Legislative Council, which Roll shall be held to be the original thereof, and to embody the several Acts and parts of Acts mentioned as repealed in the amended Schedule A thereto annexed; any marginal notes however, and references to former enactments which may appear thereon being held to form no part of the said Statutes but to be inserted for convenience of reference only.

Certified Roll including the legislation of the present Session to be deposited and serve as the original thereof.

4. The Governor in Council, after such deposit of the said last mentioned Roll, may, by Proclamation, declare the day on, from and after which the same shall come into force and have effect as law by the designation of "The Consolidated Statutes for Upper Canada."

Proclamation for bringing the Consolidated Statutes into force on a certain day.

5. On, from and after such day, the same shall accordingly come into force and effect as and by the designation of "The Consolidated Statutes for Upper Canada," to all intents as though the same were expressly embodied in and enacted by this Act, to come into force and have effect on, from and after such

On and after that day, they shall be in force—and the enactments embodied in them repealed.

such day; and on, from and after the same day, all the enactments in the several Acts and parts of Acts in such amended Schedule A mentioned as repealed, shall stand and be repealed, save only as hereinafter is provided.

Exception.

Saving as to transactions, &c, anterior to the repeal.

6. The repeal of the said Acts and parts of Acts shall not revive any Act or provision of law repealed by them; nor shall the said repeal prevent the effect of any saving clause in the said Acts and parts of Acts, or the application of any of the said Acts or parts of Acts or of any Act or provision of laws formerly in force,—to any transaction, matter or thing anterior to the said repeal, to which they would otherwise apply.

Certain matters anterior to the repeal not to be affected by it,—

7. The repeal of the said Acts and parts of Acts shall not affect—

Penalties, &c.

1. Any penalty, forfeiture or liability, civil or criminal, incurred before the time of such repeal, or any proceedings for enforcing the same, had, done, completed or pending at the time of such repeal,—

Indictments, &c.

2. Nor any indictment, information, conviction, sentence or prosecution had, done, completed or pending at the time of such repeal,—

Actions, &c.

3. Nor any action, suit, judgment, decree, certificate, execution, process, order, rule or any proceeding, matter or thing whatever respecting the same, had, done, made, entered, granted, completed, pending, existing, or in force at the time of such repeal,—

Acts, deeds, rights, &c.

4. Nor any act, deed, right, title, interest, grant, assurance, descent, will, registry, contract, lien, charge, matter or thing, had, done, made, acquired, established or existing at the time of such repeal,—

Offices, &c.

5. Nor any office, appointment, commission, salary, allowance, security, duty, or any matter or thing appertaining thereto, at the time of such repeal,—

Marriages, &c.

6. Nor any marriage, certificate or registry thereof, lawfully had, made, granted or existing before or at the time of such repeal,—

Any other matters, &c.

7. Nor shall such repeal defeat, disturb, invalidate or prejudicially affect any other matter or thing whatsoever, had, done, completed, existing or pending at the time of such repeal;

But the same to remain valid, &c.

8. But every

Such penalty, forfeiture and liability, and every such

Indictment,

Indictment, information, conviction, sentence and prosecution, and every such

Action, suit, judgment, decree, certificate, execution, process, order, rule, proceeding, matter or thing, and every such

Act, deed, right, title, interest, grant, assurance, descent, will, registry, contract, lien, charge, matter or thing, and every such

Office, appointment, commission, salary, allowance, security and duty, and every such

Marriage, certificate and registry, and every such other matter and thing, and the force and effect thereof, respectively,

May and shall, both at law and in equity, remain and continue as if no such repeal had taken place, and, so far as necessary, may and shall be continued, prosecuted, enforced and proceeded with under the said Consolidated Statutes and other the Statutes and Laws having force in Upper Canada, so far as applicable thereto, and subject to the provisions of the said several Statutes and Laws. And may be enforced, &c., and under what laws.

8. The said Consolidated Statutes shall not be held to operate as new laws, but shall be construed and have effect as a consolidation and as declaratory of the law as contained in the said Acts and parts of Acts so repealed, and for which the said Consolidated Statutes are substituted. Consolidated Statutes not to be deemed new Laws.

9. But if upon any point the provisions of the said Consolidated Statutes are not in effect the same as those of the repealed Acts and parts of Acts for which they are substituted, then as respects all transactions, matters and things subsequent to the time when the said Consolidated Statutes take effect, the provisions contained in them shall prevail, but as respects all transactions, matters and things anterior to the said time, the provisions of the said repealed Acts and parts of Acts shall prevail. How construed if in any case they differ from the repealed Acts, &c.

10. Any reference in any former Act remaining in force, or in any instrument or document, to any Act or enactment so repealed, shall after the Consolidated Statutes take effect, be held, as regards any subsequent transaction, matter or thing, to be a reference to the enactments in the Consolidated Statutes having the same effect as such repealed Act or enactment. As to references to repealed Acts, in former Acts, &c.

11. The insertion of any Act in the said Schedule A shall not be construed as a declaration that such Act or any part of it was or was not in force immediately before the coming into force of the said Consolidated Statutes. As to effect of insertion of an Act in Schedule A.

12.

Copies by Queen's Printer to be evidence.

12. Copies of the said Consolidated Statutes printed by the Queen's Printer from the amended Roll so deposited, shall be received as evidence of the said Consolidated Statutes in all Courts and places whatsoever.

As to translation into French.

13. It shall not be necessary that the said Consolidated Statutes for Upper Canada be translated into French; but the Governor may, in his discretion, cause a translation to be made and printed at any time hereafter.

As to distribution of copies

14. The laws relating to the distribution of the printed copies of the Statutes shall not apply to the said Consolidated Statutes, but the same shall be distributed in such numbers and to such persons only, as the Governor in Council may direct.

This Act to form part of Consolidated Statutes.

How they may be cited.

15. This Act shall be printed with and shall form the first Chapter of the said Consolidated Statutes, and shall be subject to the rules of construction prescribed in the second Chapter thereof;—And any Chapter of the said Statutes may be cited and referred to in any Act and proceeding whatever, Civil and Criminal, either by its title as an Act,—or by its number as a Chapter in the copies printed by the Queen's Printer,—or by its short title.

CAP. XXXI.

An Act further to provide for the accommodation of the Courts of Superior Jurisdiction in Upper Canada, and for that purpose to amend, extend and continue certain Acts therein mentioned.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it has been found that the sums of money granted for the erection of buildings suitable for the accommodation of the Superior Courts of Law and Equity in Upper Canada, by the Act passed in the eighteenth year of Her Majesty's Reign, chaptered one hundred and twenty-two, and by the Act passed in the twentieth year of Her Majesty's Reign, chaptered sixty-four, are insufficient for the purpose; and whereas it is necessary to grant additional aid therefor, and for the purpose of liquidating the debt incurred thereby to increase the fee fund as established by the last named Act: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

18 V. c. 122.

20 V. c. 64.

Governor may authorise the issue of Debentures for the further

1. For the purposes aforesaid it shall be lawful for the Governor of this Province to authorize the issue of debentures for the sum of thirty thousand pounds, over and above the amounts authorized by the above named Acts, and by the Act passed

passed in the ninth year of Her Majesty's Reign, chaptered thirty-three, in such form and in such sums as may be found convenient—such Debentures to be at a rate of interest not to exceed six per centum per annum and to be redeemable within twenty years.

sum of $120,000.

9 V. c. 33.

2. For the purpose of paying the interest on the Debentures issued or authorized to be issued under the said Acts and under this Act and liquidating the principal thereof, there shall be imposed, levied and collected on the proceedings in the Superior Courts of Law and Equity in Upper Canada, including the Practice Court and proceedings before the Heir and Devisee Commission, the sums set forth in the Schedule hereunto subjoined instead of those set forth in the Schedules attached to the said Acts passed in the ninth and in the twentieth years of Her Majesty's Reign; and such sums shall be in addition to all fees authorized to be levied for other purposes and to be otherwise applied, and law proceedings shall be subject to the said levy whether had in the Court of Queen's Bench or the Court of Common Pleas or the Practice Court.

New Schedule of sums payable on proceedings substituted for those of 9 V. c. 33, and 20 V. c. 64.

3. All the provisions of the said Act passed in the ninth year of Her Majesty's Reign, so far as the same may be applicable, are hereby extended to the Debentures to be issued under the authority of this Act, and to all matters relative to the said Debentures, and to the sum to be thereby raised, in as full and ample a manner to all intents and purposes as if the said sum of thirty thousand pounds to be raised under the authority of this Act had formed part of the sum to be raised under the provisions of the said Act passed in the ninth year of Her Majesty's Reign.

Provisions of 9 V. c. 33, extended to sums raised under this Act.

SCHEDULE.

ON PROCEEDINGS IN THE QUEEN'S BENCH, COMMON PLEAS AND PRACTICE COURT.

	$	ct.
On every Writ of Summons or Capias, and on every other Writ or other Document of what nature or description soever, having the Seal of the Court affixed thereto...	0	50
On every Judgment entered.....	0	60
On every Certificate of Judgment.....	0	50
On setting down on the paper for argument of every demurrer, special case, points reserved, special verdict or appeal case.....	0	30
Every Record of Nisi Prius entered for Trial or Assessment.....	1	00
On every Rule of Court issued.....	0	20
On Taxation of every Bill of Costs.....	0	15

ON PROCEEDINGS IN THE COURT OF CHANCERY.

On filing every Bill or Amended Bill.....	2 40
On passing and entering every Decree or Decretal Order.	1 00
On every Certificate of Bill filed, on every Certificate of Decree or Decretal Order made, on every Subpœna, and on every other Writ or Certificate issued under the Seal of the Court.....	0 50

ON PROCEEDINGS IN THE COURT OF ERROR AND APPEAL.

On every Appeal entered.....	4 00
On every Judgment, Decree or Order of the Court passed and entered.....	2 00

ON PROCEEDINGS IN THE OFFICE OF THE SURROGATE CLERK IN CHANCERY.

On every Certificate issued by the Surrogate Clerk in Chancery.....	0 50
On every order made on application to a Judge in Chancery.....	0 25
On entering every Appeal.....	0 50
On every Decree or Order on Appeal.....	1 00

ON PROCEEDINGS BEFORE THE HEIR AND DEVISEE COMMISSION.

On every claim entered and received.....	0 50
On every claim allowed.....	0 50

CAP. XXXII.

An Act to repeal certain provisions of law relating to the recovery of Bills of Exchange and Promissory Notes, in Upper Canada.

[*Assented to 4th May*, 1859.]

Preamble. WHEREAS it is desirable to repeal those clauses of the Common Law Procedure Act, 1857, of which the operation is suspended by the Act twenty-second Victoria, Chapter ten: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Sects. 4, 5, 6, 7, 8 and 9 of 19, 20 V. c. 43, repealed. 1. The fourth, fifth, sixth, seventh, eighth and ninth clauses of the Common Law Procedure Act, 1857, and also the words: "And with respect to Bills of Exchange and Promissory Notes, "Be it enacted as follows," preceding the said fourth clause, are hereby repealed.

2.

2. The Act passed in the twenty-second year of Her Majesty's Reign, Chapter ten, extending to the first day of January next the time fixed in the said fourth clause for the operation of the said clauses, is hereby repealed. Act 22 V. c. 10, repealed.

CAP. XXXIII.

An Act to extend the provisions of the Act for the abolition of Imprisonment for Debt.

[*Assented to 4th May*, 1859.]

WHEREAS it is just to extend to decrees and orders in Chancery and rules and orders of the Common Law Courts for the payment of money, the relief granted to parties in actions at law under the Act for the abolition of Imprisonment for Debt; and to abolish imprisonment for debt in the Division Courts; and to make further provisions for the relief of parties and the punishment of frauds, in respect as well of debts affected by the said Act, as of the other debts embraced in this Act: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

CHANCERY.

1. No order shall be granted for a writ of *Ne exeat Provincid*, (to be hereafter called a Writ of Arrest,) unless the party applying for the writ has a cause of suit to at least such an amount, and shows by affidavit such facts and circumstances, as the Act for the abolition of imprisonment for debt requires in the case of a special order for holding a party to bail under that Act. In what cases only a Writ of Arrest shall be granted.

2. In case an order is made for a Writ of Arrest, in a suit for alimony, the amount of the bail required shall not exceed what may be considered sufficient to cover the amount of future alimony for two years, besides arrears and costs, but may be for less at the discretion of the Court. Limit of bail in suits for Alimony.

3. The bail or security required to be taken under a Writ of Arrest shall not be that the person arrested will not go or attempt to go out of Upper Canada, but shall merely be to the effect that the person arrested will perform and abide by the orders and decrees made or to be made in the suit, or will personally appear for the purposes of the suit at such times and places as the Court may from time to time order, and will, in case he becomes liable by law to be committed to close custody, render himself (if so ordered), into the custody of any Sheriff the Court may from time to time direct. Conditions of Bail-bond under Writ of Arrest.

GENERAL PROVISIONS.

Process of contempt for non-payment of money, costs, &c., abolished.

4. Process of contempt for non-payment of any sum of money, or for non-payment of any costs, charges or expenses, payable by any decree or order of the Court of Chancery or of a Judge thereof, or by any rule or order of the Court of Queen's Bench or Common Pleas or of a Judge thereof, or by any decree, order or rule of a County Court or of a Judge thereof, is hereby abolished; and no person shall be detained, arrested or held to bail for non-payment of money, unless a special order for the purpose is made on an affidavit or affidavits establishing the same facts and circumstances as are necessary for an order for a writ of *capias ad satisfaciendum*, under the Act for the abolition of Imprisonment for Debt; and in such case the arrest when allowed shall be made by means of a writ of attachment corresponding as nearly as may be to a writ of *capias ad satisfaciendum*.

Same affidavit required for an arrest in such cases as for a *Ca. Sa.*

But not when a Writ of Arrest has issued.

5. But in case a party is arrested under a Writ of Arrest, issued after the passing of this Act, it shall not be necessary before suing out a writ under the preceding section of this Act to obtain a Judge's order therefor, or to file any further affidavit than those on which the order for the Writ of Arrest was obtained.

Conditions of Bail-bond under Writ of *Ca. Sa.*—or of Attachment under sect. 4.

6. Persons who may hereafter give bail under a writ of *capias ad satisfaciendum*, or under a writ of attachment under the fourth section of this Act, shall not be bound to remain or abide within the gaol limits, but may depart therefrom at their discretion; and when a person desires to give bail under such a writ, the bond to the Sheriff shall not contain that part of the usual condition which provides that the debtor shall remain and abide within the limits of the gaol or shall not depart therefrom unless discharged from custody by due course of law; but the condition shall provide that the person arrested shall observe and obey all notices, orders and rules of the Court touching or concerning the debtor or person ordered to pay, or his answering interrogatories, or his appearing to be examined *viva voce* or otherwise, or his returning and being remanded into close custody; and the party or his bail shall not be entitled to claim longer time for so observing or obeying than he would have been entitled to if the party had remained on the limits as heretofore, but the Court may, notwithstanding, grant further time if the Court is of opinion that the same may be done without substantial injury to the interests of the party to receive the money.

Persons heretofore arrested may surrender themselves or substitute new security.

7. Persons who have heretofore given bail or security under a Writ of *ne exeat* or *capias ad satisfaciendum*, may surrender themselves into custody, or may substitute for their bonds or other security heretofore given under the writ, a bond or other security to the effect and amount mentioned in the preceding sections

sections of this Act; and thereupon in either case the existing bail or security shall be discharged or released.

Person on bail may obtain discharge, &c., as if in close custody.

8. A person arrested under a writ of *capias ad satisfaciendum*, or under a writ of attachment, though he is not confined to close custody but has given bail, may apply for and obtain his discharge in the same manner and subject to the same terms and conditions, as nearly as may be, as an execution debtor who is confined to close custody.

Person arrested out of his County may be transferred to it, paying the cost.

9. In case a person has been heretofore or may be hereafter arrested and committed to gaol in any other County than that in which he resided or carried on business at the time, or in case a person is surrendered by his bail to the Sheriffs of any County other than that in which he resided or carried on business at the time, such person shall be entitled to be transferred to the gaol of his own County on prepaying the expense of his removal; and the Sheriff in whose County he was arrested may, if he is satisfied of the facts, transfer him accordingly; but if the Sheriff declines to act without an order of the Court or a Judge, such an order shall be made on the application of the prisoner and notice to the opposite party.

Imprisonment for non-payment of costs abolished, and those now imprisoned to be discharged.

10. Every person who is now in custody or on bail under process of contempt for non-payment of costs, shall be entitled to be discharged therefrom; and no person shall hereafter be liable to arrest for non-payment of costs.

Persons now in custody under *Ne Exeat*, &c., to be discharged, subject to this Act.

11. Every person who is now in custody or on bail under a Writ of *Ne exeat* or who is now in custody or on bail, whether to the limits of any gaol or otherwise, under process of contempt for non-payment of money under any award, order, decree, or other proceeding whatever other than costs, charges and expenses, shall be entitled to be discharged, but shall be liable to be detained, or after such discharge to be again arrested, by virtue of any such special order as mentioned in the first or fourth section of this Act.

Decrees, &c., in Equity to be enforced by Writ of *Fi. Fa.*, &c., as at law.

Same Rules, &c., to apply as in other cases.

12. For the purpose of enforcing payment of any money or of any costs, charges or expenses payable by any decree or order of the Court of Chancery, or any rule or order of the Court of Queen's Bench or Common Pleas, or any decree, order or rule of a County Court, the person to receive payment shall be entitled to writs of *fieri facias* and *venditioni exponas* respectively, against the property of the person to pay, and shall also be entitled to attach and enforce payment of the debts of or accruing to the person to pay, in the same manner respectively and subject to the same rules, as nearly as may be, as in the case of a judgment at law in a civil action; and such writs shall have the like effect as nearly as may be, and the Courts and Judges shall have the same powers and duties in respect to the same and in respect to the proceedings under the same,

and the parties and sheriff respectively shall have the same rights and remedies in respect thereof, and the writs shall be executed in the same manner and subject to the same conditions, as nearly as may be, as in the case of like writs in other cases; but subject to such general orders and rules varying or otherwise affecting the practice in regard to the said matters, as the Courts respectively may from time to time make under their authority in that behalf.

Power of sequestration not taken from Court of Chancery, &c.

13. As to the Court of Chancery, that Court may also issue writs of sequestration as hitherto or in such cases as by general or other orders the Court may think expedient; and nothing in this Act shall be construed to take away the jurisdiction of the Court under or by means of such writs; and no writ shall issue from Chancery against the lands of the person to pay, but if the decree or order is registered, the Court may enforce the charge thereby created upon real estate, according to the practice of the Court in the case of a charge on real estate created by other means.

Decrees, &c., in Equity for payment of money to be deemed judgments, within the meaning of the Act 22 V. c. 96., &c.

14. Every decree or order of the Court of Chancery, and every rule or order of the Court of Queen's Bench or Common Pleas, and every decree, order or rule of a County Court, directing payment of money or of costs, charges or expenses, shall, so far as it relates to such money, costs, charges or expenses, be deemed a judgment, and the person to receive payment a creditor, and the person to make payment a debtor, within the meaning of the Act for the abolition of imprisonment for debt; and the said persons shall respectively have the same remedies, and the Courts and Judges and the officers of Justice shall in cases under this Act have the same powers and duties, as in corresponding cases under the said Act.

Person having carriage of the decree, &c., to be deemed the plaintiff.

15. In case a decree or order in Chancery, or of a County Court in the exercise of the equitable jurisdiction of such County Court, directs the payment of money into Court or to the credit of any cause, or otherwise than to any person, the person having the carriage of the decree or order, so far as relates to such payment, shall be deemed the plaintiff within the meaning of the said Act.

Trustees for public or charitable purposes liable under 22 V. c. 2.

16. If any person being a Trustee of any money or other property for the benefit either wholly or partially of some other person, or for any public or charitable purpose, converts or appropriates the same or any part thereof to or for his own use or purposes, or otherwise wilfully disposes of the same contrary to his duty, so that such money or other property is not forthcoming and paid or delivered when such person is ordered or decreed by the Court of Chancery or other Court having jurisdiction in the matter to pay the same, he shall be deemed to have converted or disposed of the same with intent to defraud within the meaning of the Act twenty-second Victoria, chapter two.

17. Every rule or order of the Court of Queen's Bench or Common Pleas or of a Judge thereof directing payment of money other than costs, and every rule or order of a County Court directing such payment, may be registered in the Registry Office of any County, and such registration shall be on the certificate of the same officer and shall have the same effect as the registration of a judgment of the same Court. All rules and orders directing the payment of money may be registered.

18. For the purpose of carrying out the provisions of this Act, so far as relates to the Courts of Queen's Bench and Common Pleas, and to the County Courts as Courts of Law, the three hundred and thirteenth, three hundred and fourteenth, and three hundred and fifteenth sections of the Common Law Procedure Act, 1856, and the ninth section of the County Courts Amendment Act, 1857, shall be deemed incorporated herewith, as if the provisions therein contained had been repeated in this Act and expressly made to apply thereto, and it shall not be necessary to lay before Parliament any rules, orders or regulations made for the purpose of this Act. Certain clauses of 19, 20 V. c. 43, and 90, incorporated with this Act.

19. The Court of Chancery shall, with reference to the proceedings in the Court of Chancery under this Act, and to proceedings under this Act in the County Courts in the exercise of their equitable jurisdiction, have all the powers which the next preceding section of this Act gives to the Common Law Courts, in respect to the cases to which that section refers. Certain powers vested in Court of Chancery.

DIVISION COURTS.

20. The Summons issued under the ninety-first section of the Division Courts Act may be served either personally or by leaving a copy of the summons at the house of the party to be served or at his usual or last place of abode, or with some grown person there dwelling. How service of summons under sect. 91 of 13, 14 V. c. 53, may be made.

21. A party failing to attend according to the requirements of any such summons, shall not be liable to be committed to Gaol for the default, unless the Judge is satisfied that such non-attendance is wilful, or that the party has failed to attend after being twice so summoned, and if at the hearing it appears to the Judge, upon the examination of the party or otherwise, that he ought not to have been so summoned, or if at such hearing the Judgment creditor does not appear, the Judge shall award the party summoned a sum of money by way or compensation for his trouble and attendance, to be recovered against the Judgment Creditor in the same manner as any other Judgment of the Court. In what cases only the party summoned may be committed for non attendance: costs allowed him in certain cases.

22. The examination shall be held in the Judge's chamber, unless the Judge shall otherwise direct. Examination to be in Judge's Chamber.

Party examined and discharged not to be again summoned, except, &c.

23. In case a party has, after his examination, been discharged by the Judge, no further summons shall issue out of the same Division Court at the suit of the same or any other creditor, without an affidavit satisfying the Judge upon facts not before the Court upon such examination, that the party had not then made a full disclosure of his estate, effects and debts, or an affidavit satisfying the Judge that since such examination the party has acquired the means of paying.

PENALTIES.

No person to be arrested on judgment against him as a *debtor* for any penalty; —unless under the same circumstances as in other cases.

24. No person shall be arrested or imprisoned on any claim or on any Judgment recovered against him as a debtor at the suit of any person for any penalty or sum of money in the nature of a penalty or forfeiture, whether such claim or suit be in the name of such person alone, or in the form of proceeding known as *qui tam &c.*, (notwithstanding any thing to the contrary in any statute providing for the recovery of such penalties or sums by action at law) except in cases and under circumstances where on claims or judgments for ordinary debts parties can hereafter be arrested or imprisoned, and any person now under arrest or imprisonment or order for arrest or imprisonment on any such claim or judgment first in this section referred to, shall be forthwith discharged from such arrest or imprisonment or order therefor, subject to be arrested hereafter, as in the cases of Judgments for ordinary debts as hereinbefore provided.

Act limited to U. C.

25. This Act shall apply to Upper Canada only.

CAP. XXXIV.

An Act to secure to Married Women certain separate rights of property.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS the law of Upper Canada relating to the property of Married Women is frequently productive of great injustice, and it is highly desirable that amendments should be made therein for the better protection of their rights: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

A woman married after this Act, may hold her property free from the debts or control of her husband.

1. Every woman who shall marry after the passing of this Act without any marriage contract or settlement, shall and may, notwithstanding her coverture, have, hold and enjoy all her real and personal property, whether belonging to her before marriage or acquired by her by inheritance, devise, bequest or gift, or as next of kin to an intestate or in any other way after marriage, free from the debts and obligations of her husband and from his control or disposition without her consent, in as full and ample a manner as if she continued sole and unmarried, any law,

law, usage or custom to the contrary notwithstanding; provided that this clause shall not extend to any property received by a married woman from her husband during coverture. Proviso.

2. Every woman already married without any marriage contract or settlement, shall and may, from and after the passing of this Act, notwithstanding her coverture, have, hold and enjoy all her real estate not yet taken possession of by the husband, by himself or his tenants, and all her personal property not already reduced into the possession of her husband, whether belonging to her before marriage or acquired by her after marriage, in any way free from his debts and obligations contracted after the passing of this Act, and from his control or disposition without her consent, in as full and ample a manner as if she were sole and unmarried; any law, usage or custom to the contrary notwithstanding. A woman already married may hold property not yet reduced to possession of her husband.

3. Provided always that nothing herein contained shall be construed to protect the property of a married woman from seizure and sale on any execution against her husband for her torts; and in such case, execution shall first be levied on her separate property. Proviso: Act not to prevent seizure in execution in certain cases.

4. Provided further that no conveyance or other act of a wife in respect of her real estate shall deprive her husband of any estate he may become entitled to as tenant by the curtesy. Proviso: not to affect tenancy by curtesy.

5. Provided further that no married woman shall be entitled to her earnings during coverture without an order of protection under the provisions hereinafter contained. Proviso: order of protection required as to earnings.

6. Any married woman having a decree for alimony against her husband, or any married woman who lives apart from her husband, having been obliged to leave him for cruelty or other cause which by law justifies her leaving him and renders him liable for her support, or any married woman whose husband is a lunatic with or without lucid intervals, or any married woman whose husband is undergoing sentence of imprisonment in the Provincial Penitentiary, or in any gaol for a criminal offence, or any married woman whose husband from habituel drunkenness, profligacy or other cause, neglects or refuses to provide for her support, and that of his family, or any married woman whose husband has never been in this Province, or any married woman who is deserted or abandoned by her husband, may obtain an order of protection entitling her, notwithstanding her coverture, to have and enjoy all her earnings and those of her minor children, and any acquisitions therefrom free from the debts and obligations of her husband and from his control or dispositions, and without his consent, in as full and ample a manner, as if she continued sole and unmarried, any law, usage or custom to the contrary notwithstanding. In what cases a married woman may obtain an order of protection for her earnings. Purport and effect of such order.

How and by whom an order discharging protection may be obtained.

7. The wife or husband or any of the husband's creditors may, at any time, on notice to the married woman, apply for the discharge of the order of protection; and if an order for such discharge is made, the same may be filed like the original order.

Either order may be in duplicate. By whom to be made in certain cities and towns. Registration.

8. Either order may issue in duplicate, and when the married woman resides in a City or Town where there is a Recorder or Police Magistrate, the order for protection or any order discharging the same shall be made by the Recorder or Police Magistrate, and shall be registered in the Registry office of the County.

By whom made when not in such city or town.

9. When the married woman does not reside in a City or Town where there is a Recorder or Police Magistrate, the order shall be made by the Judge or one of the Judges, or the acting or Deputy Judge of the Division Courts or a Division Court of the County in which the married woman resides, and instead of being registered, shall be filed for public inspection with the Clerk of the Division Court of the division within which the married woman resides.

Hearing may be public or private.

10. The hearing of an application for an order of protection, or for an order discharging the same, may be public or private, at the discretion of the Judge, Recorder or Police Magistrate.

Order not to have effect until registered.

11. The order of protection shall have no effect until it is registered or filed, and the Registrar or Clerk shall immediately on receiving the order, endorse thereon the day of registering or filing the same: and a certificate of the filing and date, signed by the Registrar or Clerk for the time being, shall be *primâ facie* evidence of such filing and date; and a copy of the order which is registered or filed, certified under the hand of the Registrar or Clerk to be a true copy thereof, shall be sufficient *primâ facie* evidence of the order without proof of the signature of the Registrar or Clerk, and without further proof of the order itself, or of the making or validity thereof.

Evidence of order, &c.

From what time the order discharging protection shall take effect.

12. The order for discharging an order of protection shall not in any case be retroactive, but shall take effect from the time it is made, and shall protect the earnings of the married woman and her children until an order is made discharging such order of protection, and the married woman shall continue to hold and enjoy to her separate use whatever, during the interval between the filing of the order of protection and the making of the order discharging the same, she may have acquired by the earnings of herself and her minor children.

Estate to which a husband is enti-

13. Any estate or interest to which a husband may, by virtue of his marriage, be entitled in the real property of his wife, whether acquired before or after the passing of this Act, shall

not

not during her life be subject to the debts of the husband, but this provision shall not affect the right which any person, by or under any judgment or execution hitherto obtained against the husband, has already obtained in respect of any such estate or interest acquired by a husband before the passing of this act. tled in the property of his wife, not subject to his debts during her live.

14. Every married woman having separate property, whether real or personal, not settled by any ante-nuptial contract, shall be liable upon any separate contract hereafter made or debt incurred by her, before marriage, to the extent and value of such separate property, in the same manner as if she were sole and unmarried. Separate property of wife to be liable for her debts before marriage.

15. Every husband who hereafter takes any interest in the separate real or personal property of his wife, under any contract or settlement on marriage, shall be liable upon the contracts made or debts incurred by her before marriage, to the extent or value of such interest only, and no more. Liability of husband for such debts limited.

16. Every married woman may make any devise or bequest of her separate property, real or personal, or of any rights therein, whether such property be acquired before or after marriage, to or among her child or children issue of any marriage, and failing there being any issue, then to her husband, or as she may see fit, in the same manner as if she were sole and unmarried; Provided that such devise or bequest be executed in the presence of two or more witnesses, neither of whom shall be her husband; but her husband shall not be deprived by such devise or bequest of any right he may have acquired as tenant by the curtesy. Married woman may devise or bequeath her separate property, &c. Proviso.

17. A married woman shall not be liable to arrest either on mesne or final process. Not to be liable to arrest.

18. The separate personal property of a married woman dying intestate shall be distributed in the same proportions between her husband and children as the personal property of a husband dying intestate is or shall be distributed between his wife and children; and if there be no child or children living at the death of the wife so dying intestate, then such property shall pass or be distributed as if this Act had not been passed. Separate personal property of wife dying intestate, how to be distributed.

19. In any action or proceeding at law or in equity, by or against a married woman, upon any contract made or debt incurred by her before marriage, her husband shall be made a party if residing within the Province, but if absent therefrom, the action or proceeding may go on for or against her alone; and in the declaration, bill or statement of the cause of action, it shall be alleged that such cause of action accrued before marriage, and also that such married woman has separate estate; and the judgment or decree therein, if against As to actions, &c., against wife for debts contracted before marriage.

Judgment or decree in such cases.

against such married woman, shall be to recover of her separate estate only, unless in any action or proceeding against her, in which her husband has been joined as a party, any false plea or answer has been pleaded or put in by him, when the judgment or decree shall be, in addition, to recover against him the costs occasioned by such false plea or answer, as in ordinary cases.

Act not to affect marriage settlements, &c.

20. Nothing in this Act contained shall be construed to prevent any ante-nuptial settlement or contract being made in the same manner and with the same effect as such contract or settlement might be made if this Act had not been passed;

Proviso: as to property not coming within the contract.

but notwithstanding any such contract or settlement, any separate, real or personal property of a married woman, acquired either before or after marriage, and not coming under or being affected by such contract or settlement, shall be subject to the provisions of this Act, in the same manner as if no such contract or settlement had been made; and as to such property, and her personal earnings and any acquisitions therefrom, such woman shall be considered as having married without any marriage contract or settlement.

Act limited to U. C.

21. This Act shall apply only to Upper Canada.

CAP. XXXV.

An Act to amend the law enabling Married Women to convey their Real Estate within Upper Canada

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is expedient to amend the law enabling married women to convey their real estate within Upper Canada, by providing for cases in which informal or erroneous certificates have been indorsed upon Deeds conveying real estate executed by married women jointly with their husbands, as well as for cases in which such Deeds have been executed in presence of and certificates endorsed thereon by non-resident Justices of the Peace, or in which certificates have been endorsed on such Deeds subsequent to the execution thereof: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certificate under Acts of U. C. 1 W. 4, c. 2, or 2 V. c. 6, to be valid, tho' the Justices were not resident in the County or District in which

1. Whenever any certificate on the back of any Deed heretofore executed by any married woman, pursuant to the Act of the said Parliament of Upper Canada, passed in the first year of the reign of his late Majesty King William the Fourth, chapter two, or pursuant to the Act of the said Parliament of Upper Canada, passed in the second year of Her Majesty's reign, chapter six, has been signed by two Justices of the Peace, such certificate shall be held and is hereby declared to

be

be valid and effectual for all the purposes contemplated by said Acts, although the said Justices were not at the time residents of the District or County in which such married woman resided; and every Deed heretofore executed in the presence of such Justices, and every such certificate so signed shall have the same force, validity and effect as if the said Deed had been executed in the presence of, and such certificate had been signed by two Justices of the Peace of the District or County in which such married woman at the time of the execution thereof resided. the married woman resided.

2. When any certificate on the back of any Deed executed by any married woman, pursuant to the said first mentioned Act, shall have been heretofore given on any day subsequent to the execution of the said Deed, such certificate shall be deemed and be taken to have been given on the day on which the said Deed was executed; and such Deed shall be as good and valid in law as if such certificate had been in fact signed on the day of the execution of the Deed to which it relates, as required by the said Act. Certificate to be valid tho' given subsequent to the execution of the deed.

3. In case any married women seized of or entitled to real estate in Upper Canada, and being of the age of twenty-one years, has heretofore executed, jointly with her husband, a Deed for the conveyance of the same, knowing her estate therein and intending to convey the same, such Deed shall be taken and considered as a valid conveyance of the land therein mentioned, and the execution thereof shall be deemed and taken to be valid and effectual to pass the estate of such married woman in the said land, although a certificate of her consent to be barred of her right of Dower of and in such land, instead of a certificate of her consent to convey her estate in the same, have been endorsed thereon. Deed executed by a married woman jointly with her husband to be a good conveyance notwithstanding errors in certificate endorsed.

4. Whenever the requirements of the Acts of the Parliament of the late Province of Upper Canada, or of the Parliament of this Province of Canada, respecting the conveyance of real estate in Upper Canada by married women, while respectively in force, have been complied with on the execution by any married woman of a Deed of conveyance of real estate in Upper Canada then belonging to such married woman, such execution shall be deemed and taken to be valid and effectual to pass the estate of such married woman in the land intended to be conveyed, although the certificate endorsed on such Deed be not in strict conformity with the forms prescribed by the said Acts, or any or either of them. And notwithstanding the certificate be not in strict conformity to the forms in the said Acts.

5. Provided nevertheless this Act shall not render valid any conveyance to the prejudice of any title subsequently acquired from the married woman, by deed duly executed and certified as by law required, nor any conveyance from the married woman Act not to prejudice titles subsequently acquired, &c.

woman which was not executed in good faith, nor any conveyance of land of which the married woman or those claiming under her is or are in the actual possession or enjoyment notwithstanding such conveyance.

Requirements formerly necessary to continue to be so as to conveyances subsequent to this Act.

Proviso.

6. The requirements heretofore necessary to give validity at law to a conveyance by a married woman of any of her real estate shall continue to be necessary for that purpose with respect to deeds of conveyance executed after the passing of this Act, notwithstanding anything contained in this Act or in any Act which has been or may be passed during the present session of Parliament; But this section shall not affect any other remedy at law or in equity which a purchaser or other person may have upon any contract or deed of a married woman which may be hereafter executed in respect of her real estate.

CAP. XXXVI.

An Act to relieve Registrars of Counties in Upper Canada from certain disabilities.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is expedient to relieve Registrars of Counties in Upper Canada from the disability to practise as Attorneys or Solicitors, imposed upon them by the Act hereinafter cited: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Part of 22 V. c. 94, preventing Registrars from practising as Attorneys, repealed.

1. So much of the fifth section of the Act twenty-second Victoria, chapter ninety-four, *to extend the provisions of the Act to amend the law for the Admission of Attorneys*, as provides that no person shall practise as an Attorney or Solicitor of any Court of Law or Equity in Upper Canada, who shall, either in his own person, or by his partner, deputy or agent, or in the name of any other person, or otherwise, directly or indirectly hold, possess, practise, carry on or conduct the office of Registrar of any County or Union of Counties in Upper Canada, and that every such person so practising shall be subject to the forfeiture of such office, and shall, in addition thereto, be subject to a penalty of five hundred pounds, shall be, and the same is hereby repealed.

CAP. XXXVII.

An Act to avoid doubts as to a certain provision of the Act respecting the Municipal Institutions of Upper Canada.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS doubts have arisen as to the true intent and meaning of the two hundred and forty-sixth section of the Act passed in the twenty-second year of Her Majesty's Reign, intituled, *An Act respecting the Municipal Institutions of Upper Canada*, (22 Vic. c. 99,) as regards the application of the sums to be paid for Tavern Licenses: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Intent of sect. 246 of 22 V. c. 99, as regards the duty under 22 V. c. 76, s. 14, declared.

1. It was and is the intent and meaning of the said section,—that the Provincial duty payable on Tavern Licenses, under the fourteenth section of the Act passed in the said Session, and intituled, *An Act to amend the law relative to Duties of Customs and of Excise, and to impose new duties, and a duty on Tavern Keepers*, should be paid over by the Municipal Officer receiving the same to the Receiver General, (after deducting four per cent. for his trouble in collecting it)—in the manner provided by the said last mentioned Act, and subject to all the enactments thereof,—but that the duty under the Imperial Act cited in the said two hundred and forty-sixth section, and any further sum payable for such Licenses over and above the said Provincial duty, should be applied to the use of the Corporation.

CAP. XXXVIII.

An Act to amend the *Act respecting the Municipal Institutions of Upper Canada.*

[*Assented to 4th May*, 1859.]

Preamble.
22 V. c. 99.

WHEREAS it is necessary to amend the *Act respecting the Municipal Institutions of Upper Canada*, twenty-second Victoria, chapter ninety-nine, in respect to the dividing of Townships into Wards: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Sect. 264 repealed.

1. Section two hundred and sixty-four of the said recited Act is hereby repealed, and the following substituted therefor:

New section substituted.

"In case a majority of the qualified electors of a Township on the last revised Assessment Roll do, by petition in writing signed by them, apply to the Council of the Township to divide the Township into Wards, if not already so divided, or

Duty of the Township Council on receiving a

to

petition from a majority of the rate-payers touching its division into Wards.

to abolish or alter, in manner specified in the petition, any existing division into Wards, the Council shall, within one month thereafter, pass a By-law to give effect to the petition, and shall in the By-law recite the petition, and also the present section of this Act, and shall declare that the By-law is passed in compliance with the prayer of the petition; And the By-law shall take effect on the first day of December next after one month from the date of its first publication in some newspaper published in the County or Union of Counties in which the Township is situated, or by printed handbills posted in at least twenty public places in the Township."

Sect. 265 repealed.

New section substituted.

If the petition does not define the Ward.

2. Section two hundred and sixty-five of the said recited Act is hereby repealed, and the following substituted therefor: "In case the petition is for a division into Wards (and does not specify the manner of the division,) the Council shall so arrange the Wards that they may be as compact, and contain as nearly an equal number of electors, as may be consistent with the convenience of the inhabitants; the number of wards being five in all cases."

Stealing or destroying, &c., certain documents, relating to Municipal Elections to be felony.

3. If any person steals, or unlawfully or maliciously either by violence or stealth, takes from any Deputy Returning Officer or Poll Clerk, or from any other person having the lawful custody thereof, or from its lawful place of deposit for the time being, or unlawfully or maliciously destroys, injures or obliterates, or causes to be wilfully or maliciously destroyed, injured or obliterated, or makes or causes to be made any erasure, addition of names or interlineation of names, into or upon, or aids, counsels or assists in so stealing, taking, destroying, injuring or obliterating, or in making any erasure, addition of names or interlineation of names into or upon any Writ of Election or any return to a Writ of Election or any Indenture, Poll Book, Certificate or Affidavit, or any other document or paper made, prepared or drawn out according to or for the purpose of meeting the requirements of the law in regard to Municipal Elections—every such offender shall be guilty of felony and being convicted thereof, shall be liable at the discretion of the Court to be imprisoned in the Provincial Penitentiary for any term not exceeding seven nor less than two years, or to be imprisoned in any other place of confinement for any term less than two years, or to suffer such other punishment by fine or imprisonment or both as the Court shall award; And it shall not in any indictment for any such offence be necessary to allege that the article in respect of which the offence is committed, is the property of any person, or that the same is of any value.

Punishment.

Value of document need not be stated.

CAP. XXXIX.

An Act to enable certain Municipal Corporations in Upper Canada, to aid in the establishment of internal means of communication.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS that section of the Peninsula of Western Canada lying north-westerly from the Town of Guelph, and embracing the greater part of the Counties of Wellington and Bruce, as well as portions of the Counties of Grey, Perth and Huron, is entirely destitute of proper facilities for communicating with the produce markets of the Province; And whereas the Reeves of the Municipalities of Fergus, Puslinch, Normanby, Brant, Elora, Minto, Pilkington, Saugeen, Arthur, Nichol, Kinloss, Howick, Greenock, Culross and Kincardine, and many others, have by their petitions prayed that those Municipal Corporations desiring a means of communication may be enabled to aid in the establishment of the same, and may be empowered to distribute any liability which they may see advisable to incur thereby, over the various sections of each Municipality incurring such liability, in an equitable proportion to the benefits which they may derive from the improvements, or so far as it is practicable so to do; And inasmuch as the construction of Railways and of other roads has been found to enhance to the largest amount the value of property within easy access of these lines of traffic, and it is believed that the various degrees of additional value given to property within the influence of these works may be taken as a fair standard by which to measure the different degrees of benefit received from their establishment; And whereas it is expedient to empower the various Municipalities aforesaid to aid in the promotion of their own prosperity in accordance with the equitable principle expressed in the prayers of the petitioners: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

On a petition of three-fourths of the rate-payers, certain municipalities may guarantee a bonus, by rate on the improved value of property, to Companies affording means of internal communication.

1. On and after the passing of this Act, and so soon as at least three-fourths of the rate-payers in any Municipality, being *bona fide* owners of at least three-fourths in value of the real property in such Municipality, have by a requisition (agreeable to form A setting forth in general terms the character of the improvement they desire, and the rate per cent. for assessment purposes they are willing to bear,) required their Municipal Council or Councils, to incur any such liability as by this Act they are empowered to incur, it shall be lawful for the County Council of Wellington, the Provisional County Council (or in process of time the County Council) of Bruce, and any lesser Municipal Corporations either in or adjacent to these Counties, to guarantee to give

give a yearly bonus to any Company or Companies, party or parties who shall undertake to build and complete a Railway, or a gravel or other improved road or roads through or along or across any of the Municipalities aforesaid; Provided always, that such guarantee shall be limited as hereinafter pointed out.

Proviso.

To what amount such bonus shall be limited.

2. Any bonus guaranteed to be given under this Act shall be the aggregate proceeds of a rate to be prescribed by the rate-payers' requisition aforesaid, levied (except in the case provided for by the fifth section) on the future increase of the assessed value of real property in such Municipalities or sections of Municipalities as aforesaid, which rate is not to exceed one per cent. annually on the increase of the assessed value, and which increase is to be taken to mean the difference between the assessed value of real property in the year during which any such guarantee may be given, and the assessed value in each year after the contemplated improvements are in operation or in use.

When such communication is opened, rates to be levied according to the guarantee.

3. Each Municipal Corporation giving such guarantee as they are by this Act empowered to give, shall annually so soon as the gravel roads or railways or both, shall be made and in use, assess and levy upon the rateable real property within the limits prescribed by the guarantee, situate within fifteen miles of the railway or of such part of it as may be in operation, or within five miles of any gravel road or roads which shall be made and fit for use, such rate or rates as may be determined upon as aforesaid, not exceeding one per cent. per annum on (except in the case provided for by the fifth section,) the increase as aforesaid; but the rate or rates shall not be levied on any property situate more than five miles from any gravel road, nor more than fifteen miles from any Railroad or such part of it or them as may be then in operation, whether or not the said property be within the Municipality or section of the Municipality which has concurred in giving the guarantee.

How the special rate for paying such bonus shall be assessed and levied.

4. So soon as it shall be necessary to levy any special rate on the increase of the assessed value of any of the Municipalities which may under authority of this Act undertake to aid in carrying out internal improvements, it shall be the duty of the Clerk of the Municipality to procure a plan verified by some Provincial Land Surveyor, showing the exact position of the improvements then in use, and also the relative position thereto of all taxable real property situate within the limits prescribed as aforesaid; And he shall from this plan and from the Assessment Roll for the current year, make out a special Collector's Roll, or make an addition to the ordinary Collector's Roll, having opposite the names of all taxable persons and property within the specified distance of the improvements, the information mentioned in the Schedule B; and the various amounts calculated on the increase, at the special rate determined by the rate-payers' requisition and the guarantee, and set down in the

the last column, according to Form B, shall be collected in addition to all other local rates and taxes in the manner provided by the Assessment Laws of Upper Canada, all the provisions of which, not inconsistent with this Act, shall be so applied as to carry out the true intent and meaning of this Act.

Provision if the increase in value be less than 50 per cent.

5. Should the total assessed value of real property within the limits prescribed as aforesaid in any Municipality aiding under the authority of this Act in the construction of such works, be found on their completion to have increased less than fifty per cent. over the total assessed value within the same limits at the time the guarantee was entered into, then, and in that case one half the rate determined as aforesaid by the Rate-payers' requisition, shall be calculated on the whole assessed value of real property within the limits aforesaid and levied accordingly; and such half rate on the whole assessed value within the limits aforesaid, shall continue to be assessed and levied until the total assessed value within the limits referred to exceeds the original total assessed value by fifty per cent. thereof: But whenever the total assessed value of real property in a Municipality within the limits aforesaid, exceeds by fifty per cent. or upwards the original assessed value within the same limits, then the whole rate shall be assessed on the increase only, as described in the previous section.

But if it afterwards amounts to 50 per cent or upwards.

Gravel roads to be kept in repair—Municipal Corporation may enter into certain arrangements with the Company.

6. All gravel roads constructed by any Company, under the guarantee of an annual bonus from a Municipality, shall be kept in reasonably good repair and shall be free from toll or other charges within the limits of the Municipality, so long as the bonus continues to be paid; and it shall be competent to the Municipal Corporation, to bargain and agree with the Company, either for a reduction of the bonus or the rates aforesaid, or their suspension at a fixed period, for the transfer of the roads to the management of the Municipalities, or for their continuance free of toll and kept in repair by the Company, under a modified bonus; Provided always, that the rate to be levied shall not in any case exceed the maximum rate consented to by the rate-payers.

Guarantee to be binding on the Municipality, &c.

7. After a guarantee of a bonus has been given under authority of this Act, with the consent of the rate-payers obtained as aforesaid, and action taken towards the commencement of the improvements contemplated, it shall be valid and binding upon the Municipality; and when the works are sufficiently advanced towards completion, then the rates shall be levied as herein described, and the proceeds without deduction paid over as the first annual bonus to the parties who may make the improvements in good faith.

Public Act.

8. This Act shall be deemed a Public Act.

SCHEDULE

SCHEDULE—FORM A.

Rate-Payers' Requisition.

County of } We, the undersigned rate-payers of the Town-
TO WIT : } ship of , in the County of ,
being desirous of having established, (*here describe in general terms the character of the improvements desired,*) and approving of the general provisions and equitable principle of assessment embodied in the Act Vict., cap. ; a copy of which is hereunto attached—hereby authorize and request our Municipal Council to guarantee an annual bonus to any Company or Companies, who shall undertake to construct and carry out the improvements above referred to, agreeably to the provisions, conditions and limitations of the Act aforesaid ; and we do further authorize and consent that a maximum rate of per cent. on the increase, as explained in the second section of the Act aforesaid, subject to any reduction that the Council may determine, shall or may be levied annually on real property in this section of the for the purpose of paying the said bonus.

Signature of *bonâ fide* Owner.	Concession.	Lot.	Witness to signature.

FORM B.

Additional columns to Collector's Roll for Special Assessment.

1	2	3	4	5
No. of miles from Railway or Gravel Road.	Original assessed value (being that of the year during which the Guarantee is given.)	Corrected assessed value for the current year.	Increase in value, being the difference between the amounts in the two next preceding columns.	Amount to be collected (*this is to be calculated at the rate fixed by the Rate-payers' Requisition and the Guarantee on the sums set down in the next preceding column.*)

CAP.

CAP. XL.

An Act to amend the Act respecting the Municipal Institutions of Upper Canada, so far as relates to local improvements in Cities.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is desirable to amend the *Act respecting the Municipal Institutions of Upper Canada*, passed in the twenty-second year of Her Majesty's Reign, and to provide for the effecting of local improvements in Cities at the expense of the parties interested therein: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

City Councils may make By-laws for certain purposes.

1. In addition to the purposes mentioned in the said Act, the Council of every City may pass By-laws for the following purposes:

Ascertaining the property to be benefitted by a local improvement.

1. For providing the means of ascertaining and determining what real property will be immediately benefitted by any proposed improvement, the expense of which is proposed to be assessed as hereinafter mentioned upon the real property immediately benefitted thereby; and of ascertaining and determining the proportions in which the assessment is to be made on the various portions of the real estate so benefitted; subject in every case to an appeal to the County Court Judge, in the same manner and on the same terms, as nearly as may be, as an appeal from the Court of Revision in the case of an ordinary assessment;

Assessing such property for such improvement—and in what manner.

2. For assessing and levying upon the real property to be immediately benefitted by the making, enlarging or prolonging of any common sewer, or the opening, widening, prolonging or altering, macadamizing, grading, levelling, paving or planking of any street, lane, or alley, public way or place, or of any sidewalk therein, on the petition of at least two-thirds in number and one-half in value of such real property of the owners of such real property, a special rate, sufficient to include a sinking fund, for the repayment of Debentures which such Councils are hereby authorized to issue in such cases respectively on the security of such rates respectively, to provide funds for such improvements, and for so assessing and levying the same,—

(1.) By an annual rate in the pound on the real property so benefitted, according to the assessed value thereof, including the improvements thereon;

(2.) Or by an annual rate in the pound on the real property so benefitted, according to the value thereof, exclusive of the improvements thereon;

(3.) Or by an annual rate of so much per foot, equally, according to the frontage of the real property so benefitted, without reference to the comparative value of the different portions thereof;

(4.) Or by an annual rate on each portion of the real property so benefitted, in proportion, as nearly as may be, to the benefit derived by such portion;

(5.) Or partly by each of these methods, or partly by each of any two or three of them;

Regulating time of payment, &c.

3. For regulating the time or times and manner in which the assessments to be levied under this Act are to be paid, and for arranging the terms on which parties assessed for local improvements may commute for the payment of their proportionate shares of the cost thereof in principal sums;

Funds are furnished by parties.

4. For effecting any such improvement as aforesaid with funds provided by parties desirous of having the same effected.

Under what conditions such improvements may be undertaken.

2. No such local improvement as aforesaid shall be undertaken by the Council of any City, except under a By-law passed in pursuance of the fourth sub-section of the preceding section, otherwise than on the petition of two-thirds in number and one-half in value of real property to be directly benefitted thereby, of the owners of such real property,—the number of such owners, and the value of such real property having been first ascertained and finally determined in the manner and by the means provided by By-law in that behalf; and if the contemplated improvement be the construction of a common sewer having a sectional area of more than four feet, one-third of the cost thereof shall also first be provided for by the Council of the City, by By-law for borrowing money, which every such Council is hereby authorized to pass for such purpose, or otherwise.

As to sewers.

What conditions shall be requisite to the validity of the By-laws.

3. It shall not be essential to the validity of any By-law passed in virtue of the first section of this Act, that it be in accordance with the restrictions and provisions contained in the two hundred and twenty-second section of the Act first above cited; but no such By-law shall be valid which is not in accordance with the following restrictions and provisions:

1. The By-law shall name a day in the financial year in which the same is passed when it shall take effect;

2. The whole of the debt and the obligations to be issued therefor shall be made payable in twenty years at furthest from the day on which such By-law takes effect;

3. The By-law shall settle an equal special rate per annum, in addition to all other rates, to be levied in each year on the real

real property described therein and rateable thereunder for paying the debt and interest;

4. Such special rate shall be sufficient, according to the value of such real property, as ascertained and finally determined in virtue of this Act, to discharge the debt and interest when respectively payable, irrespective of any future increase in the value of such real property, and also irrespective of any income from the temporary investment of the sinking fund, or of any part thereof;

5. The By-law shall recite:

(1.) The amount of the debt which such By-law is intended to create, and, in some brief and general terms, the object for which it is to be created;

(2.) The total amount required by this Act to be raised annually by special rate for paying the debt and interest under the By-law;

(3.) The value of the whole of the real property rateable under the By-law as ascertained and finally determined as aforesaid;

(4.) The annual special rate in the pound or per foot frontage, or otherwise, as the case may be, for paying the interest and creating an equal yearly sinking fund for paying the principal of the debt, according to this Act;

(5.) That the debt is created on the security of the special rate settled by the By-law, and on that security only.

Debentures under section one to be specially distinguished.

4. Every Debenture issued under the first section of this Act shall bear on its face the words "Local Improvement Debenture," and shall contain a reference, by date and number, to the By-law under which it is issued, and also a statement of its being issued in virtue of this Act.

Section 223 of 22 V. c. 99, not to apply.

5. The two hundred and twenty-third section of the Act first above cited shall not apply to any By-law passed in virtue of this Act.

Act not to apply to certain works.

6. Nothing in this Act contained shall be construed to apply to any work of ordinary repair or maintenance: and every common sewer made, enlarged, or prolonged, and street, lane, alley, public way and place, and sidewalk therein, once made, opened, widened, prolonged, altered, macadamized, paved or planked under this Act, shall thereafter be kept in a good and sufficient state of repair at the expense of the City generally.

Sub-section 1 of section 324 of 22 V. c. 99, repealed.

7. The first sub-section of the three hundred and twenty-fourth section of the Act first above cited is hereby repealed as respects Cities.

Property qualification, &c., under 22 V. c. 99.

8. The qualification of all persons, where a qualification is required under the said Act twenty-second Victoria, chapter ninety-nine, may be of an estate, either legal or equitable.

CAP. XLI.

An Act to amend the Act twentieth Victoria, Chapter seven, regulating Ferries in Upper Canada.

[*Assented to 4th May*, 1859.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Sect. 5 of 20 V. c. 7, extended to certain cases.

1. The fifth section of the Act passed in the twentieth year of Her Majesty's Reign, and intituled, *An Act to amend the Laws regulating Ferries, so as to encourage the employment of Steamboats as Ferry-boats in Upper Canada*, shall be so construed as to extend and apply to all such Ferries on the Provincial Frontier, the circumstances of which do not permit or warrant the peremptory use of Steamboats.

CAP. XLII.

An Act to amend the Act twelfth Victoria, chapter thirty-five, in so far as relates to the depositing of Plans of Villages in the Registry Offices of Upper Canada.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS there are many unincorporated Villages in Upper Canada of which no plan or map has been deposited pursuant to law in the Registry Office of the County within which the same are respectively situate, in consequence of the several original owners of the lands comprising the said Villages either not having jointly laid out and surveyed the same, or because some of the original owners left no legal representatives; And whereas it is necessary that the law regulating the depositing of Plans of such Villages in the Registry Office of the County within which the same are respectively situated, be amended: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Where no plan of an unincorporated Village comprises different parcels of land, owned

a:

at the original division thereof by two or more persons, and the same was not jointly surveyed and laid out into a village plot, and where in such case no entire plan or map of the said Village has been deposited with the Registrar of the County within which the same is situate, it shall be lawful for the Municipality of the Township within which the said Village is situate, and they are hereby required, immediately upon the passing of this Act to cause a plan or map of such Village to be made on the scale now required by law, and deposited in the Registry Office of the County within which the said Village is situate; and the expense attending the getting up of the map and depositing it as aforesaid shall be paid out of the general funds of the Municipality, or by a local tax upon the rate-payers of the Village.

porated village has been registered, Township Council to cause one to be made.

Cost how paid.

2. This Act shall be a Public Act.

Public Act.

CAP. XLIII.

An Act to amend the Acts under which Joint Stock Roads and other similar works are constructed in Upper Canada.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS doubts exist as to the rights which pass under sales of Roads and other works constructed in Upper Canada, under the Joint Stock Companies' Acts, and it is expedient to remove such doubts: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Sale of works to pass the rights of the Company with respect to such works, to the purchaser.

1. Whenever any Road, Bridge or Pier, or Wharf constructed by any Joint Stock Company, incorporated under the Laws of Upper Canada, shall have been or shall hereafter be sold, either by such Joint Stock Company, or under some power granted by them, or under legal process against such Company, the sale or sales shall, in all cases, be deemed to have passed and to pass such Roads, Bridges and Piers, or Wharves to the purchaser or purchasers thereof, with all the rights, privileges and appurtenances, and subject to all the duties and obligations which the Law gave or imposed with reference to such Road, Bridge, Pier or Wharf, whilst the same continued the property of the Joint Stock Company which had constructed the same.

CAP. XLIV.

An Act for the promotion of Agriculture in Upper Canada.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is expedient to encourage the formation of Joint Stock Companies authorized to hold land and erect edifices to be used for the holding of periodical fairs or exhibitions for agricultural purposes: And whereas the delay and expense incident to obtaining a special Act of incorporation from the Legislature for each separate Company operates as a great discouragement to persons desirous of embarking capital for the formation of such Companies: And it is therefore expedient that a general law should be passed to enable Joint Stock Companies to purchase and hold land for the purposes aforesaid, and to construct suitable buildings thereon, and to empower Municipal Corporations to subscribe a portion or the whole of the necessary capital for the purposes aforesaid: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Companies may be formed for purposes mentioned in the Preamble.

1. Any number of persons, not less than five, may, in Upper Canada, form themselves into a Company under the provisions of this Act, for the purposes aforesaid.

Conditions on which any such Company may become incorporated.

2. When any number of persons not less than five shall have subscribed a sufficient quantity of stock to amount to a sum equal in their judgment to the amount required for the purchase of the ground necessary for an edifice to be used for the purposes mentioned in the preamble to this Act, and the erection of such edifice thereon and of the additional ground required for the holding of Agricultural fairs or exhibitions, and shall have executed an instrument according to the form in the schedule A to this Act contained; and shall have paid to the Treasurer of such intended Company twenty-five per cent. upon the capital stock intended by such Company to be raised for the purposes aforesaid, and shall have registered such instrument at full length together with a receipt from the Treasurer of such Company for such first instalment of twenty-five per cent. with the Registrar of the County or city in which such edifice shall be or shall be intended to be built, such Company shall thenceforth become and be a body corporate by such name as shall be designated in the instrument so to be registered as aforesaid; and they and their successors by their corporate name shall be capable of taking, purchasing, having and holding any piece or parcel of land in Upper Canada for the purpose of erecting such edifice as aforesaid, and also for holding such fairs or exhibitions as aforesaid; such parcel of land not to contain more than one hundred acres.

Name and corporate powers.

3.

3. The affairs, property and concerns of every such Company, which shall or may be formed under the provisions of this Act, shall be managed by not less than three nor more than nine Directors, who shall be shareholders and subjects of Her Majesty, and a majority of whom shall form a quorum capable of doing business, which said Directors shall in the first instance be chosen by ballot from among the subscribers to the said instrument so to be registered as aforesaid, and thereafter shall be annually elected by the said stockholders, on the second Monday in January in each and every year; and upon the first and every such election of Directors each shareholder shall be entitled to one vote for every share he may hold or be possessed of up to ten, and one vote for every five shares above ten; but no stockholder shall be allowed to vote at any election unless he shall have paid all calls upon each share he may hold. Directors. Quorum. Election. Voters. Shares must be paid up.

4. The Directors or a majority of them shall, at their first annual meeting, elect one of their number to be president of such Company, and the president, if present, (or if not present then some Director chosen for the occasion), shall preside at all meetings, and in case of equality shall have the casting vote; And the said directors may pass By-laws for the regulation of the affairs of such Company, and shall keep a book in which shall be recorded all By-laws and proceedings and to which any person shall have access for the purpose of searching the same and making extracts therefrom, without payment of any fee whatsoever. President. Casting vote. By-laws, &c.

5. Every such Company shall have a Secretary and Treasurer and such subordinate officers as the Company by its By-laws may require, who shall be elected by the Directors and required to give such security for the faithful performance of the duties of their respective offices as the Company by its By-laws may provide. Secretary and Officers.

6. Each share in every such Company shall be twenty dollars, and shall be regarded as personal property, and shall be transferable upon the books of such Company, in such manner as shall be provided for by the Directors in that behalf. Shares. To be personalty.

7. It shall be lawful for the Directors of any such Company, to call in and demand from the stockholders thereof respectively all sums of money by them subscribed, at such times and in such payments or instalments as such Directors shall deem proper, under the penalty of forfeiting the shares of stock subscribed for and all previous payments made thereon, if payment shall not be made by the stockholders respectively, within sixty days after a personal demand, or after notice requiring such payment shall have been published for six successive weeks in the newspaper nearest the place where the business of the Company shall be carried on as aforesaid. Calls. Forfeiture of shares for non-payment.

8.

Municipalities may take stock, &c.

8. It shall be lawful for any Municipal Corporation in Canada to subscribe for, acquire, accept, and hold, and to depart with and transfer stock in any Company to be formed under the authority of this Act, and from time to time to direct the Mayor, Warden, or other chief officer thereof, on behalf of such Municipality, to subscribe for such stock in the name of such Municipality, and to act for and on behalf of such Municipality, in all matters relative to such stock, and the exercise of the rights of such Municipality as a stockholder; and the Mayor, Warden, or other chief officer shall, whether otherwise qualified or not, be deemed a stockholder in the Company, and may vote and act as such, subject always to such rules and orders in relation to his authority, as shall be made in that behalf by such Municipality, by their By-laws, or otherwise, but acting according to his discretion in cases not provided for by such Municipality; and it shall be lawful for such Municipality to pay for all instalments of the stock they shall subscribe for and acquire, out of any moneys belonging to such Municipality, and not specially appropriated to any other purpose, and to apply the money arising from the dividends or profits on the said stock, or from the sale thereof, to any purpose to which unappropriated moneys belonging to such Municipality may be lawfully applied.

Mayor, &c., to represent such stock.

Municipality may pay calls, &c.

Municipal Corporations may lend money to such Company.

9. It shall also be lawful for any Municipal Corporation in Canada to lend money to any Company to be formed under this Act out of any moneys belonging to the Municipality, and not appropriated to any other purpose, and to effect such loan upon such terms and conditions as may be agreed upon between such Company and the Municipality making such loan, and to recover the money so lent, and to appropriate the moneys so recovered to the purposes of such Municipality.

Recovery of calls of stock.

10. Any such Company so to be incorporated as aforesaid may, in any Court having jurisdiction in matters of simple contract to the amount demanded, sue for, recover, and receive of or from any stockholder in such Company, the amount of any call or calls of stock which such stockholder may neglect to pay after public notice thereof in the newspaper nearest the place where the business of the Company shall be carried on as aforesaid.

What only need be stated in any action for calls.

11. In any action or suit to be brought by any such Company against any stockholder to recover any money due for any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the Company to aver that the defendant is the holder of one share or more (stating the number of shares) in the stock of the said Company, and that he is indebted to the Company in the sum of money to which the calls in arrear shall amount, in respect of one call or more upon one share or more, (stating the number and amount of each of such calls,) whereby an action hath accrued to the Company by virtue of this Act.

12.

12. On the trial or hearing of such action it shall be sufficient for the Company to prove that the defendant, at the time of making such call, was a holder of one share or more in the undertaking, (and when there has been no transfer of the shares, then the proof of subscription to the original agreement to take stock shall be sufficient evidence of holding stock to the amount subscribed,) and that such call was in fact made, and notice thereof given as is required; and it shall not be necessary for the Company to prove the appointment of the Directors who made such call, or any other matter whatsoever; and thereupon the Company shall be entitled to recover what shall be due upon such call with interest thereon, unless it shall appear that due notice of such call was not given. What only need be proved in any such action.

13. In any action or suit brought by or against any such Company upon any contract, or upon any matter or thing whatsoever, any stockholder, or any officer or servant of the Company shall be competent as a witness, and his testimony shall not be deemed inadmissible on the ground of interest, or of his being such servant or officer. Members, &c., of the Company may be witnesses.

14. If any action or suit shall be brought against any person or persons for any matter or thing done in pursuance of this Act, such action or suit shall be brought within six calendar months next after the fact committed, and not afterwards; and the defendant or defendants in such action or suit may plead the general issue only, and give this Act and the special matter in evidence on the trial. Limitation of suits for things done under this Act.

15. This Act shall be a Public Act, and shall apply to Upper Canada only. Act limited to Upper Canada.

SCHEDULE A.

Be it remembered, that on this day of , in the year of our Lord, one thousand eight hundred and , we, the undersigned stockholders, met at , in the , County of , in the Province of Canada, and resolved to form ourselves into a Company, to be called (*here insert the corporate name intended to be taken by the Company*) according to the provisions of a certain Act of the Parliament of this Province, intituled, *An Act for the promotion of Agriculture in Upper Canada*, for the purpose of purchasing a parcel of land in the County of , and erecting thereon suitable buildings to be used for the purpose of holding periodical fairs or exhibitions for agricultural purposes; And we do hereby declare that the capital stock of the said Company shall be pounds, to be divided into shares at the price or sum of twenty dollars each; And we, the undersigned stockholders, do hereby agree to take and accept the number of shares, set by us opposite to our respective signatures, and we do hereby agree to pay

pay the calls thereon, according to the provisions of the said in part recited Act, and of the rules, regulations, resolutions and By-laws of the said Company, to be made or passed in that behalf: And we do hereby nominate (*the names to be here inserted*) to be the first Directors of the said Company.

Name.	No. of Shares.	Amount.

CAP. XLV.

An Act to amend the Law respecting Building Societies in Upper Canada.

[*Assented to 4th May*, 1859.]

Preamble. 9 V. c. 90.

WHEREAS under an Act passed in the ninth year of the Reign of Her Majesty, intituled, *An Act to encourage the establishment of certain Societies, commonly called Building Societies, in that part of the Province of Canada formerly constituting Upper Canada*, certain Building Societies have been established called Permanent Building Societies, which have in a great measure superseded those Societies called terminating Building Societies, and are conducted on more certain and equitable principles than the said terminating Building Societies, by enabling persons to become members thereof at any time for investment therein or to obtain the advance of their shares or share by giving security therefor, and to fix and determine with the said Society the time and amount which such members shall repay such advanced share or shares and obtain the release of the said security, without being liable to the contingency of losses or profits in the business of the said Society; And whereas doubts have arisen as to whether such Permanent Building Societies are within the meaning and intention of the said recited Act; And whereas it is expedient to remove such doubts and to encourage Building Societies established on the said Permanent principle: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1.

Permanent Societies having fulfilled certain conditions declared to be within this Act.

1. Any Permanent Building Society established, or hereafter to be established, under the said hereinbefore recited Act and the amended Act thereto, and conducted on the principle hereinbefore mentioned, which shall have fulfilled and observed all the conditions necessary to be fulfilled and observed for the establishment of a Building Society under the said recited Acts, shall be and the same is hereby declared to be and to have been a Building Society within the meaning and intention of the said recited Acts, and to be and to have been entitled to all the powers, benefits and advantages of the said recited Acts; and any person or persons who shall have signed the Rules and Regulations of any such Building Society entered and recorded in a book, as in the fifth section of the said recited Act, passed in the ninth year of Her Majesty's reign, is required, and shall have subscribed his name as a shareholder for one or more shares, shall, from the time of such signature and subscription, be and be deemed to have been a member or members of such Building Society; and the production of the book containing the rules for the management of such Society, kept as in the fifth section of the said Act is required, signed by such person and duly witnessed, shall, at all times and for all purposes, be sufficient evidence of membership in such Building Society.

And their subscribers to be Members.

Evidence of Membership.

How By-laws of Permanent Societies may be passed or amended.

2. It shall be lawful for any Permanent Building Society to alter, amend, repeal or create any Regulation, Rule or By-law for the working of the said Society at a public meeting of the members of such Society, convened as is directed by the said seventh section of the said Act, and at which public meeting one third of the members of the said Society, entitled to vote by the Rules of the said Society, and representing not less than two thirds of the unadvanced Stock of such Society, shall, either in writing under their hand or by a vote at such meeting, concur in such alteration, amendment or repeal of such Regulation, Rule or By-law, or in the creation of any new Rule, Regulation or By-law.

Amount to which Societies may borrow money, limited.

3. Every such Society, by its Rules, Regulations and By-laws authorized to borrow money, shall not, at any time after the passing of this Act, borrow, receive, take or retain, otherwise than in stock and shares in such Society, from any person or persons, any greater sum than three-fourths of the amount of capital actually paid in on unadvanced shares, and invested in real securities by such Society; and the paid in and subscribed capital of the Society shall be liable for the amount so borrowed, received or taken by any Society.

Shareholder whose share is paid up, may receive or invest the amount.

4. When any share or shares in any Society shall have been fully paid up according to the rules of the Society, or shall have become due and payable to the holder thereof, then and in such case it shall be lawful for the holder of such share or shares, either to withdraw the amount of his share or shares from the said Society, according to the rules and regulations thereof, or

to

to invest the amount of his said share or shares in the Society, and to receive therefrom periodically such proportion of the profits made by such Society as shall be provided for by a By-law to be passed for the purpose; and the amount of such share or shares so invested shall become fixed and permanent capital or shares in the said Society not withdrawable therefrom, but transferable in the same manner as other shares in the said Society.

Advances on security of investing on unadvanced shares.

5. It shall be lawful for such Society to advance to members on the security of investing on unadvanced shares in the said Society, and to receive and take from any person or persons, or bodies corporate, any Real or Personal Security of any nature or kind whatever as Collateral Security for any advance made to Members of the Society.

Holding real estate.

6. It shall be lawful for any Society to hold absolutely Real Estate for the purposes of its place of business, not exceeding the annual value of Six Thousand Dollars.

Society not bound to see to trusts to which its stock is subject.

What receipts shall be sufficient.

7. Such Society shall not be bound to see to the execution of any Trust, whether expressed, implied, or constructive, to which any share or shares of its stock shall be subject; and the receipt of the party in whose name any such share or shares shall stand in the books of the Society, or if such share or shares shall stand in the name of more parties than one, the receipt of one of the parties shall, from time to time, be a sufficient discharge to the Society for any payment of any kind made in respect of such share or shares, notwithstanding any Trust to which such share or shares may then be subject, and whether or not such Society shall have had notice of such Trust; and the Society shall not be bound to see to the application of the money paid upon such receipt, any law or usage to the contrary notwithstanding.

Act not to affect pending cases.

8. Nothing in this Act contained shall apply to affect any action or suit now pending at law or in equity.

CAP. XLVI.

An Act to amend and extend the Acts relating to Mutual Fire Insurance Companies in Upper Canada.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is expedient to extend the provisions of the Act of the late Province of Upper Canada, passed in the sixth year of the Reign of His Majesty King William the Fourth,

6 W. 4, c. 18.

intituled, *An Act to authorize the establishment of Mutual Insurance Companies in the several Districts of this Province*, and of the Acts amending the same, so as to provide for the more speedy and certain payment of losses incurred, by enabling Mutual

Mutual Insurance Companies to possess a guarantee capital, to assume such corporate name as the Directors may deem expedient, and to collect premiums in full, in cash, in certain cases: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Any Mutual Insurance Company may raise a guarantee capital not to exceed $500,000.

1. Any Mutual Fire Insurance Company formed under the Acts above cited shall have power to raise by subscription of its members or some of them, or the admission of new members not being persons assured by the Company, or by loan, or otherwise, a guarantee capital of any sum not exceeding five hundred thousand dollars, which guarantee capital shall belong to such Company, and be liable for all the losses, debts, and expenses of the Company; and subscribers of such capital stock shall in respect thereof have such rights as the Directors of the Company shall declare and fix by a By-law to be passed before such capital shall be raised, and which shall not thereafter be repealed or altered without the consent of the majority of votes of the shareholders of such capital, either personally or by proxy, at a meeting held for that purpose, (each holder being entitled to a vote for every share of forty dollars held by him or her,) of the holders of such capital; unless such capital be paid off in the manner hereinafter provided.

Rights of subscribers to such capital.

Company may adopt a new corporate name.

2. Any such Company shall have power to adopt, by a By-law passed in the usual manner, any corporate name which the Directors may deem expedient, provided they retain the appellation of Mutual, but such corporate name shall not thereafter be changed so long as the Company shall subsist.

Company may create a Reserve Fund and pay off guarantee capital.

3. Any such Company shall have power to create from the surplus profits of the Company, from year to year, a Reserve Fund for the purpose of paying off the guarantee capital, after which its affairs and property shall revert to and be vested in the parties insured, as the sole members of the Company.

May take premium in cash.

4. Any such Company shall have power to collect premiums in cash for insurance for terms not longer than one year, and such portion of the premium notes as the Directors may consider equitable and necessary on all insurances for terms longer than one year.

May divide profits.

5. Any such Company shall have power to make a periodical division of the profits of the Company equitably among the stockholders and policy holders of the Company, after providing for the Reserve Fund above referred to.

May insure in L. C. or U. C.

6. Any such Company shall have power to extend its operations to any part of Lower Canada and Upper Canada.

Directors—Quorum.

7. Any such Company shall have power, under a By-law to be passed for that purpose, to elect any number of Directors, not less than seven nor more than fifteen; and any three Directors shall be a quorum.

Directors may call in guarantee capital.

8. The Directors of any such Company shall have power to recover in any Court of competent jurisdiction any assessment or call on the shares of guarantee capital, or to cancel such shares and forfeit the instalments already paid, as they may think fit.

May invest the funds of the Company.

9. The Directors of any such Company shall have power to invest the capital and funds of the Company in mortgages on real estate, Bank stock, shares in Building Societies, and such other securities as the Directors may deem profitable and safe.

Directors may make promissory notes, &c.

10. The Directors of any such Company shall have power, under By-laws to be passed regulating the manner in which such power shall be exercised, to make promissory notes, make or accept bills or drafts, or issue debentures for the payment of losses, expenses or for other purposes of the Company, and to issue certificates or scrip for shares in the guarantee capital stock of the Company, but they shall not issue any note payable to bearer, or intended to circulate as money or as a Bank note, nor shall the Company or the Directors in any way exercise the business of Banking.

Directors may make By-laws for certain purposes.

11. The Directors of any such Company shall have power to make By-laws for the effectual carrying out of the objects contemplated by the several Acts hereinabove cited and referred to and of this Act, and from time to time to alter and amend the same, except in cases with regard to which it is provided that any such By-law shall not be repealed, or where such repeal would affect the rights of others than members of the Company, in any of which cases such By-laws shall not be repealable.

As to voting by proxy.

12. No agent, paid officer or employee of any such Company shall be eligible to be elected a Director, or be allowed to hold proxies or interfere in the election of Directors of such Company; All proxies shall bear date at least three months before the election at which they are used, and be filed with the Secretary of the Company within the same period.

Party intending to effect additional Insurance elsewhere may notify the Company.

13. Whenever notification in writing shall be given to any Company by an applicant for insurance, or by a person already insured, of his intention to insure, or of his having insured an additional sum on his property in some other Company, the said additional assurance shall be deemed to be assented to, unless the Company, so notified, shall within two weeks after the receipt of such notice, signify to the party in writing their dissent; and in case of such dissent, the liability of the insured

on

on the premium note shall cease from the date of such dissent on account of any loss that may occur to such Company thereafter. If the Company dissent.

CAP. XLVII.

An Act respecting Homœopathy.

[*Assented to 4th May*, 1859.]

Preamble. WHEREAS the system of Medicine called Homœopathy is much approved and extensively practised in many countries of Europe, in the United States and also in Canada; And whereas it is expedient to extend to duly qualified practitioners of this system privileges similar to those enjoyed by licentiates of medicine under the laws now in force in this Province: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

First Board of Examiners appointed. **1.** Until other persons are appointed, as hereinafter provided, Duncan Campbell, of the City of Toronto, M. D., Joseph J. Lancaster, of the Town of Galt, M. D., Alexander Thompson Bull, of the City of London, M. D., William A. Greenleaf, of the City of Hamilton, M. D., and John Hall, of the City of Toronto, M. D., shall be a Board (of whom three shall be a quorum) to examine all persons who may desire to obtain a license to practise medicine, according to the doctrines and teachings of Homœopathy, within this Province.

Secretary and Treasurer. **2.** The Board may appoint a Secretary and Treasurer, who shall attend all the meetings, and keep a record of all the proceedings of the Board, in a book to be provided for the purpose.

Meetings of the Board. **3.** The Board shall hold two meetings in the City of Toronto in each year, viz: on the first Tuesday in January and July respectively, which may be continued by adjournment from day to day until the business before the Board be finished, but no session shall exceed one week.

Extraordinary meetings. **4.** The Secretary may at any time, on the requisition of two members of the Board, call an extraordinary meeting of the Board for the purpose of examining candidates, and for the transaction of such other business as may come before it.

Notice by persons wishing to be examined: and what it must shew. **5.** Every person who desires to be examined by the said Board, touching his qualifications to practise Physic, Surgery and Midwifery, or either of them, according to the doctrines and teachings of Homœopathy, shall give at least one month's notice in writing to the Secretary of the Board; and must show that he is not less than twenty-one years of age, that he has

has followed medical study uninterruptedly for not less than four years under the care of one or more duly qualified Medical Practitioners, and that he has attended at some University or Incorporated School of Medicine not less than two six months' courses of Anatomy, Physiology, Surgery, Theory and Practice of Medicine, Midwifery, Chemistry, Materia Medica and Therapeutics, respectively, and not less than one six months' course of Clinical Medicine and Medical Jurisprudence respectively.

Certificate to be granted.

6. If the Board be satisfied by such examination that the person is duly qualified to practise either or all the said branches of Medicine, as they are understood and practised by Homœopathists, they shall certify the same under the hands and seals of two or more of such Board.

License on such certificate.

7. The Governor, on the receipt of such certificate, may, if satisfied of the loyalty, integrity and good morals of the applicant, grant to him a license to practise Physic, Surgery and Midwifery, or either of them, in Upper Canada, conformably to the certificate.

Licenses to Members of the Board.

8. The Governor may, without any special certificate, grant the Provincial License to practise to such of the above named members of the Board as have not yet obtained it.

Board may make By-laws

9. The Board shall have power to make By-laws for the regulation of its own affairs, which, however, shall not take effect until they have been published in the *Canada Gazette*.

Order of retirement of Members.

10. At the meeting in July, one thousand eight hundred and sixty, the Board shall determine by lot which three of its members shall retire, and shall immediately publish their names in one of the Toronto newspapers, and such retiring members shall then only hold office until their successors are appointed; the other members of the Board shall vacate their seats (if successors are appointed) from and after the meeting in January, one thousand eight hundred and sixty-two.

Elections to supply vacancies.

11. The Practitioners licensed under this Act and resident in this Province may meet at Toronto, on any day during the January session of the Board in one thousand eight hundred and sixty-one, and on any day during such January session in each year thereafter, and may at such meeting elect, by a majority of votes, either two or three fit and proper persons to be members of the said Board in the place of the retiring members (who shall be eligible for re-election,) and the members so elected shall hold office for two years only, or until successors are elected as aforesaid.

Public Act.

12. This Act shall be deemed a Public Act.

CAP. XLVIII.

The Seigniorial Amendment Act of 1859.

[*Assented to 4th May*, 1859.]

Preamble.

Sect. 13 of 18 V. c. 3, cited.

WHEREAS the thirteenth section of the Seigniorial Act of 1854 enacts, that as soon as the Schedules of the different Seigniories directed to be made by the said Act are completed, the Commissioners shall respectively prepare triplicates thereof, and shall dispose of and deposit the same in the manner set forth in the said section of the said Act, that is to say: that they shall transmit one triplicate to the Receiver General of this Province, and shall deposit another triplicate in the office of the Superior Court in the District in which each Seigniory is situated, and that they shall retain the other triplicate in their hands until otherwise provided by law;

And that the Clerk (that is the Prothonotary) of the Superior Court shall furnish one copy of every such Schedule as above mentioned, on demand, to the Seignior of the Seigniory to which it relates, and that the costs thereof shall be paid out of the funds provided by the said Act;

And whereas the preparing of the said Schedules in triplicate, and the furnishing of a copy of each by the Prothonotary of the Superior Court to each Seignior, in the manner so prescribed, would entail great delay, inconvenience and expense, without securing any adequate advantage or protection to the parties interested in the operation of the said Acts, and intended to be benefitted thereby: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Sect. 13 repealed.

1. The said thirteenth section of the said Act shall be and the same is hereby repealed.

Schedules may be deposited all together, or any number at once,—as the Commissioners see fit.

2. As soon as the Schedule or Schedules of any Seigniory or Seigniories is or are respectively completed, the Commissioners or any one or more of them shall make one full and complete duplicate of each such Schedule, and shall deposit the same in the office of the Prothonotary of the Superior Court of the district of Montreal, Three-Rivers, Quebec, Gaspé, Ottawa, or Kamouraska, according as the Seigniory to which each such Schedule relates is situate within either of the above mentioned districts, as they existed at the time of the said Seigniorial Act of 1854, or if such Seigniory be situate in two Districts, then in the office of the Prothonotary of the said Court for that District in which the greater part of such Seigniory is situate, and the other duplicate of each such Schedule shall remain in the hands of the Commissioners until otherwise disposed of by order of the Governor in Council; and any one or more or all the said

Schedules may be deposited at the same time, and the depos thereof may be notified at the same time, as the Commissione shall see fit.

Abridged Schedules to be made in triplicate for certain purposes.

3 The said Commissioners or any one or more of them sh also make triplicate abridged Schedules, containing true c faithful extracts from the Schedules so deposited in the offi of the said Prothonotaries, under the following columns headings, that is to say :

What they shall contain.

1st. Number of reference in the Schedule ;

2nd. Name of the *Censitaire ;*

3rd Extent or contents of each land or emplacement ;

4th. *Rentes constituées* to be paid by each *Censitaire* und the provisions of the said Seigniorial Act of 1854, and t several Acts amending the same, that is to say, the amou established under the said Acts to be paid in lieu of all Seigni rial rights or dues, entering the *rentes constituées* representin *lods et ventes* and casual dues, and those representing *cens* rentes, in two separate columns.

How the said triplicates shall be disposed of, and their effect.

4. One of such triplicate abridged Schedules shall be de vered on demand to the Seignior of the Seigniory to which th abridged Schedule so demanded relates, in lieu of the cop of the Schedule which under the said Act was to hav been furnished him by the Prothonotary,—another shall b deposited with the Receiver General of this Province,—an the third shall be deposited in the office of the Prothonota with whom the Schedule is deposited, who may deliv

Copies and Extracts from them.

extracts from the Schedule or from the abridged Schedul or copies of either, which shall be *primâ facie* evidenc of the facts therein stated ;— and the Commissioners o any one or more of them may also deliver any numbe of certified copies of the abridged Schedules, so long as on of the said triplicates remains in their hands.

Notice of deposit of Schedules.

5. So soon as and whenever the said Commissioners or on or more of them shall have made and deposited in the office o the Prothonotary of the Superior Court of any one or more of th above mentioned districts of Montreal, Three-Rivers, Quebec Ottawa, Kamouraska and Gaspé, as above provided, one full and complete duplicate of the Schedule of any Seigniory o Seigniories, the said Commissioners or any one or more of them shall give public notice of the deposit thereof, in the terms of th

Form ;—

Form A, annexed to this Act, or in other terms of the like im port, in the English and French languages, in the *Canad Gazette*, or other newspaper recognized as the Official Gazette

And effect.

of this Province ; and the publication of the notice prescribed by this Act shall have the like effect, and be subject to and affected

affected by all the unrepealed provisions of the said Seigniorial Act of 1854, and the several Acts amending the same, as the notice prescribed by the said Seigniorial Act of 1854 and the publication thereof, except in so far as such provisions are contrary to or inconsistent with those of this Act.

Prothonotaries to furnish Copies of Extracts;—fee.

6. The Prothonotary of the Superior Court shall furnish copies or extracts from each such Schedule or abridged Schedule, duly certified in the usual form, to any person applying for the same, upon the payment of five cents for every hundred words or figures in any such copy or extract; and all such copies or extracts, whether in words or figures, and also the triplicate of the abridged Schedule directed by this Act to be furnished to each Seignior by the Commissioners, shall be deemed authentic, and shall serve as *primâ facie* evidence of all matters therein set forth.

Copies or extracts to be evidence.

FURTHER AID TO THE CENSITAIRES FOR THE REDEMPTION OF THE CASUAL RIGHTS.

Balance of rents representing casual rights assumed by the Province.

7. So much of the constituted rents representing the *lods et ventes* and other casual rights, as will not be redeemed out of the Fund appropriated for the Relief of the *Censitaires* by the Seigniorial Act of 1854, shall be assumed by the Province and paid by the Receiver General out of the Consolidated Revenue Fund, to the Seigniors or parties respectively entitled to such rents, half-yearly, on the First of January and July, and the *Censitaires* shall be discharged from the payment thereof.

Capital may be paid at a certain rate.

8. With the consent of the Provincial Government and of the Seignior or other party entitled absolutely to any such constituted rents, a sum of money equal to seventy-five per cent. of the Capital representing the same at six per cent. per annum, may be paid out of the Consolidated Revenue Fund to such Seignior or party, in full satisfaction of such rents for ever.

Moneys to be liable to oppositions, &c.

9. The constituted rents or sum of money to be so paid shall be liable to the claims and oppositions of third parties in like manner as the sum payable to any Seignior out of the said Fund for the Relief of the *Censitaires*.

Assumption not to prevent applications for revision of Schedules.

10. The assumption by the Province of the payment of the said constituted Rents, shall not interrupt or prevent any application or petition for the revision of any Schedule presented by the *Censitaires* or by the Seignior, of any Seigniory, concerning the amount of the said rents or the *lods et ventes* and casual rights they represent,—but Her Majesty's Attorney General for Lower Canada may institute, contest or continue any such application or petition for the revision of any Schedule, in the name of the Crown or of the *Censitaires* or any of them.

ABOLITION OF THE SEIGNIORIAL TENURE IN THE SEIGNIORIES BELONGING TO THE SEMINARY OF ST. SULPICE.

Lods et Ventes abolished in the said Seigniories

11. In order to provide for the commutation of the Seigniorial Tenure, in the Seigniories of St. Sulpice and the Lake of Two Mountains belonging to the Corporation of the Ecclesiastics of the Seminary of St. Sulpice of Montreal, (hereinafter called the Seminary,) and those parts of the Seigniory of the Island of Montreal, belonging to the same, which are not within the Parish and City of Montreal,—no *lods et ventes* or mutation fine shall accrue on any mutation in the ownership of any property in the said Seigniories and parts of a Seigniory, subsequent to the passing of this Act,—and the said Seigniories and parts of a Seigniory shall be and are hereby brought under and shall be subject to the provisions of the Seigniorial Act of 1854 and the Acts amending the same, which shall apply to the said Seigniories and parts of a Seigniory, so far as regards the ascertaining of the value of the *cens et rentes* and other rights of the Seigniors, and Schedules and abridged Schedules shall be made for the same as provided by the said Acts and by this Act, subject to the following modifications :

They shall be subject to the Seignorial Act of 1854, &c.

Subject to certain modifications.

Value of *Lods et Ventes* how reckoned.

1. The value of the *lods et ventes* shall be reckoned, not at the reduced rate fixed by the Ordinance passed by the Governor and Special Council for the affairs of Lower Canada, in the Session held in the third and fourth years of Her Majesty's Reign, and chaptered thirty, but at the full rate of one-twelfth of the price or value of the property, for each mutation of ownership producing *lods et ventes* ;

As to mutations of ownership of commuted property.

2. Every mutation of the ownership of any property commuted under the said Ordinance, which occurred during the ten years immediately preceding the passing of the Seigniorial Act of 1854, shall be taken into account in estimating the value of the said *lods et ventes*, (although such mutation may have happened after the said commutation,) if without such commutation it would have produced *lods et ventes* ; and the commutation itself shall be reckoned as a mutation producing *lods et ventes :* but if in any case the commutation money has exceeded one full *lods et ventes*, the excess shall be deducted from the amount to be paid as hereinafter provided in lieu of the said *lods et ventes* and casual rights ;

Sums appropriated for the relief of the *Censitaires* in reduction of rents representing casual rights.

3. The *Censitaires* of the said Seigniories and parts of a Seigniory shall have no share of the fund for the relief of the *Censitaires* provided by the Seigniorial Acts :—but instead thereof, for the relief of the said *Censitaires*, there shall be paid to the Seigniors : 1st. the sum of thirty-five thousand pounds out of the Consolidated Revenue Fund : 2nd. a sum to be agreed upon between the Government and the Seigniors as the value of the outstanding arrears of *lods et ventes* belonging to the Province under the Ordinance aforesaid, which value

value shall be taken by the said Seminary as money; and the said arrears shall then belong to the said Seminary, whatever their amount may be:

Remainder of the rents representing casual rights, payable out of L. C. Municipalities Fund.

The said sums shall go in reduction of the Capital of the *Rentes Constituées* representing the *lods et ventes* and casual rights, and the remainder (if any) of the said *Rentes* is hereby guaranteed to be paid half yearly on the first of January and July, out of the Lower Canada Municipalities Fund (arising from the Clergy Reserves) after paying the charges on the said Fund under the Act twentieth Victoria chapter forty-four, and the Acts amending it; and if at any time the moneys in the hands of the Receiver General belonging to the said Fund are insufficient to pay the said remainder of the said *Rentes*, he shall advance the sum required to pay the same out of the Consolidated Revenue Fund, to which it shall afterwards be repaid out of the said Lower Canada Municipalities Fund;

Interest on the £35,000 to be payable half-yearly.

4. The interest on the said sum of thirty-five thousand pounds, shall also be payable to the said Seminary half yearly on the first of January and July: and the said Seminary shall have the same privilege as other Seigniors of receiving the Capital of the said sum, and the capital of the said remainder of the said *Rentes*, at the rate of seventy-five per cent. on such Capital in full satisfaction of the whole;

Payments to include commutation of all Provincial property.

5. The said payments by the Province shall include the commutation of the tenure of all property now held by the Province or the Crown, or by the War Department as representing the late Ordnance Department, in any Seigniory belonging to the said Seminary, and such commutation shall be perfected by the passing of this Act.

Lods et Ventes abolished in Montreal.

Commutation fine payable instead in certain cases.

12. In those parts of the Seigniories belonging to the said Seminary, which are within the City and Parish of Montreal, *lods et ventes* and other casual rights shall be abolished by the passing of this Act,—and instead thereof, a commutation fine, calculated and ascertained in the manner prescribed by the Ordinance aforesaid, subject to the provisions of this Act, shall be payable to the said Seminary on the first mutation of the ownership of any property after the said abolition of the *lods et ventes* and other casual rights thereon, whether such mutation occur by sale, exchange, descent, bequest or in any other way; and such commutation fine shall be secured by the same privileges and recoverable in the same manner as the *lods et ventes* and other casual rights for which it is substituted now are: but in the case of mere descent or bequest such commutation fine shall not be exigible by the said Seminary until the expiration of ten years after the decease of the person from whom the property descends.

When it shall be exigible.

Property held in mortmain to be commuted within 20 years.

13. All property held in mortmain or by any Corporation, in those parts of the said Seigniories which are within the City and Parish of Montreal as aforesaid, and the tenure whereof is not already commuted, shall be commuted within twenty years from the passing of this Act, and if not so commuted voluntarily, the commutation fine thereon, calculated and ascertained in the manner prescribed by the said Ordinance, subject to the provisions of this Act, shall become payable to the Seminary, and shall be secured by the same privileges as the commutation fine mentioned in the next preceding Section.

How the value of the property, &c., shall be ascertained if not agreed upon.

Arbitration.

14. If the value of the property, the tenure of which is to be commuted under the two next preceding Sections and of the capital of the *cens et rentes* thereon, have not been ascertained or agreed upon, then the said Seminary, whenever such commutation has become compulsory on the owner of such property, may serve a notice on such owner naming some disinterested person as their arbitrator to fix such value, and requiring such owner to name another disinterested person as his arbitrator, and if the owner does not, within six days after the service of such notice, notify to the said Seminary the name of such arbitrator, or appoints a person who is disqualified, the said Seminary may apply by summary petition to any Judge of the Superior Court at Montreal, who may on such application appoint an arbitrator on behalf of such owner, and the two arbitrators, or if they cannot agree, any Judge of a Superior Court, on the application of either, may name a third arbitrator, and the award of such three arbitrators, or of any two of them, fixing the value of the property or of any buildings thereon, and of the capital of the *cens et rentes*, shall be conclusive evidence of such value and capital for the purpose of ascertaining the commutation fine or indemnity to be paid by such owner, and shall be returned into, filed and enrolled by the Superior Court at Montreal and by the said Court duly confirmed, and may then be enforced by the Seminary by action if need shall be: and the costs of such arbitration shall be borne by the parties in equal shares.

Costs.

Act not to prevent voluntary commutation.

Owner may convert commutation money into a constituted Rent, if it amounts to £100.

Seminary to grant Deed of Commutation.

15. Provided always, that nothing in the three next preceding sections of this Act shall prevent the owner of any such property from commuting the tenure thereof in the manner prescribed by the said Ordinance at any time, if he thinks fit so to do; and that whenever the commutation fine or indemnity amounts to not less than one hundred pounds currency, the owner of the property shall always have the right to declare his option that such commutation fine or indemnity, shall remain charged upon the property at and for a constituted rent according to the laws of Lower Canada, as provided by the seventh section of the said Ordinance, and the same shall remain so charged accordingly: And whenever a commutation fine is paid, or converted into a constituted rent, the Seminary shall, on demand of the owner of the property, execute a notarial Deed acknowledging the same and that the property is held by him

in

in *franc aleu roturier*, subject to the charges (if any) therein to be expressed.

Unconceded lands, &c., vested in the Seminary.

16. The unconceded lands in any of the said Seigniories and all landed property held by the said Seminary within the same, (including the City and Parish of Montreal) shall be vested absolutely in the said Seminary in *franc aleu roturier*, and they may sell or dispose of any such lands or of any other property belonging to them, either for money or for redeemable ground rents, and may invest the proceeds as hereinafter mentioned.

Except in certain cases—arrears over $100 shall be payable by instalments.

17. Except in cases where before the passing of this Act, some other agreement has been made—or where suits have been brought,—or where either before or after the passing of this Act, oppositions *afin de conserver* have been or may be filed by the said Seminary,—the arrears of *lods et ventes* and *cens et rentes* due by any party personally or hypothecarily before the passing of this Act in the said Seigniories (including the said City and Parish of Montreal) shall not be exigible immediately by the said Seminary if they exceed the amount of one hundred dollars; but if such arrears amount to more than one hundred dollars they shall be payable in four equal annual payments, the first to be made in the year 1859, the second in the year 1860, the third in the year 1861, and the fourth in the year 1862;—provided that the failure to make any one such payment within the year prescribed, shall render the whole sum then owing exigible, and it shall bear interest (even without suit) from the end of the year in which such failure shall take place.

Further period allowed for disposing of St. Gabriel Farm;

Seminary may invest its funds in certain securities.

18. A further period of twenty years beyond that limited by the said Ordinance, shall be allowed to the said Seminary to dispose of the portion of the St. Gabriel Farm now remaining undisposed of,—and with power to the Seminary to make such sale either by auction or private agreement, and in one block or in such parcels as they think proper: And the thirteenth section of the said Ordinance is hereby amended so that it shall be lawful for the Seminary to invest its funds in hypothecs or securities of any kind,—the amount to be invested in the purchase of real property remaining limited as it now is.

SUMS PAYABLE UNDER THIS ACT, TO BE DEDUCTED FROM THE LOWER CANADA MUNICIPAL LOAN FUND.

Sums payable to Seigniors under this Act, to be deducted from the said Fund.

19. A sum of money equal in amount to the capital at six per cent per annum, of the sum which under the foregoing provisions will be payable yearly to Seigniors in Lower Canada out of Provincial Funds, added to the sum of thirty-five thousand pounds payable to the Seminary,—shall be deucted from the amount of the Lower Canada Municipal Loan Fund.

INDEMNITY TO UPPER CANADA, AND TO THE TOWNSHIPS OF LOWER CANADA.

Sum payable to Upper Canada Municipal Loan Fund.

20. A sum of money equal to that which under the foregoing provisions will be payable yearly to Seigniors in Lower Canada out of Provincial Funds, over and above the amount payable to them out of the Fund for the relief of the *censitaires* under the Seigniorial Act of 1854,—shall be payable yearly out of the Consolidated Revenue Fund of this Province to the credit of the Upper Canada Municipal Loan Fund, in reduction of the advances that have been or may be made from time to time from Provincial funds on account of the said Fund:

Payment not to diminish liability of Municipalities.

Such payment shall not in any way extinguish or diminish the individual liability of the Municipalities, which have become indebted upon the security of the said Loan Fund,—but the said yearly sum shall, so soon as the Province ceases to be under advances to the said Loan Fund, be added to the Upper Canada Municipalities Fund (Clergy Reserves) and distributed in like manner; And so long as any Municipality shall at any time be in default in any payment which ought to have been made by it to the said Loan Fund, such Municipality shall have no share in any distribution of the Upper Canada Municipalities Fund (arising from the Clergy Reserves) which shall be made while such Municipality is so in default, and the share it would otherwise have had shall go to the other Municipalities;

To be in addition to sum payable under Act of 1854.

The sums payable under this section shall be in addition to the sum to be appropriated for local purposes in Upper Canada under the Seigniorial Act of 1854.

Sum payable for the benefit of the townships in Lower Canada.

21. A sum of money bearing the same proportion to that which under the foregoing provisions will be payable yearly to the Seigniors in Lower Canada, as the population of the Townships of Lower Canada shall, by the Census of one thousand eight hundred and sixty-one, be found to bear to that of the Seigniories,—shall be payable yearly, out of Provincial Funds, to the credit of the Lower Canada Municipal Loan Fund, but for the benefit of the townships only, including St. Armand East and West, in the County of Missisquoi.

ORDNANCE SEIGNIORIES AND JESUITS' ESTATES.

Ordnance Seigniories to be dealt with as Crown Seigniories.

22. All Seigniories transferred to the Province under the Act nineteenth and twentieth Victoria, chapter forty-five, as part of the Ordnance property, shall be dealt with as Crown Seigniories under the said Seigniorial Act of 1854, and the Acts amending it, which shall apply to the said Ordnance Seigniories.

Payment of L. C. Education Fund.

23. A sum of money equal to the constituted rents representing *lods et ventes* and casual rights in the Seigniories forming part

part of the Jesuits' Estates, to be calculated in the manner prescribed by the said Seigniorial Act of 1854 and the Acts amending it, and reckoned from the time when the said casual rights were abolished, shall be paid yearly out of the Consolidated Revenue Fund, to the Lower Canada Superior Education Fund.

MISCELLANEOUS.

Districts—how constituted for the purposes of the Seigniorial Acts.

24. For the purposes of the ninth section of the Seigniorial Amendment Act of 1856, and of this Act, the Districts of Montreal, Ottawa, Three-Rivers, Quebec, Kamouraska and Gaspé, therein referred to, shall be the said Districts as constituted and bounded when the said Seigniorial Act of 1854 was passed, notwithstanding any subsequent redivision of Lower Canada into Districts; and the word "District," in the Seigniorial Act of 1854, and the Acts amending it and this Act, shall always be understood as meaning one of the said Districts as so constituted and bounded.

Interpretation.

25. The Interpretation Act, and the thirty-seventh Section of the Seigniorial Act of 1854, concerning the Interpretation of certain words, shall apply to this Act.

Short Title.

26. This Act shall be called and known as "The Seigniorial Amendment Act of 1859."

SCHEDULE.—FORM A.

Public Notice is hereby given that the Schedules of the several Seigniories, Fiefs and Arrière Fiefs,—(*or* the Schedule *or* Schedules of the Seigniory, *or* Seigniories, Fief *or* Fiefs, &c., of , in the Districts of ,)—*or* the Schedules of the several Seigniories, Fiefs, &c., in the District of , *as the case may be*,) in that part of the Province of Canada, known as Lower Canada, shewing the *rentes constituées*, into which the Feudal and Seigniorial rights, dues, charges, obligations and rents, due and payable upon each land and emplacement in each Seigniory, Fief *or* Arrière-Fief, respectively (*or*, in the said Seigniory &c.,) are converted, are (*or* is) completed, and that duplicates (*or* a duplicate) thereof, and abridged triplicates Schedules (*or* an abridged triplicate Schedule) thereof have (*or* has) been deposited in the offices of the Prothonotaries of the Superior Courts of the Districts of (*as the case may be*) (*or*, of the Prothonotary of the Superior Court for the District of), and that triplicate abridged Schedules (*or* a triplicate abridged Schedule) have (*or* has) been deposited in the office of the Receiver General of this Province; and that the duplicate Schedules (*or* Schedule) of the said Seigniories, Fiefs, &c., (*or* Seigniory, Fief, &c.,) remain (*or* remains) in the hands of the Commissioners under the Seigniorial Act of 1854, according to the provisions of the Seigniorial Amendment Act of 1859.

Dated, &c.

A. B. } Commissioners under the
C. D. } Seigniorial Act of 1854.

CAP.

CAP. XLIX.

An Act to amend in certain respects the law relating to Ground Rents and Life Rents, in Lower Canada.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is expedient to amend the laws presently in force in Lower Canada, as to rents (*Rentes*) charged upon real estate, and to facilitate the redemption thereof: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

No perpetual irredeemable rent to be created hereafter, &c.

1. From and after the passing of this Act, there shall not be created under any description of instrument whatsoever, any perpetual irredeemable ground rents, (*rentes foncières perpétuelles non rachetables*), nor yet any rent to affect real estate irredeemably for a term of more than ninety-nine years, or for more than three lives; but all such rents as aforesaid, if stipulated, shall at all times be redeemable at the option of the debtor thereof, and be subject to all the laws and rules governing ordinary constituted rents, (*rentes constituées à perpétuité*) as to the redemption thereof and otherwise, save and except as to prescription which shall be that of thirty years for such rents and the arrears thereof.

Terms of redemption may be stipulated by deed creating any rent.

But the period of non-redemption shall not exceed 30 years.

2. It shall be lawful for the parties to any instrument for the transfer of real estate (*titre translatif de propriété immobilière*,) whether by sale or otherwise, to regulate thereby, as they shall see fit, the terms on which any rent which they may thereby create, shall be redeemable, and also to stipulate that the same shall not be redeemable until after the expiration of any period not exceeding thirty years; and if in any case the parties shall stipulate that any such rent shall not be redeemable until after the expiration of any period not exceeding ninety-nine years but exceeding thirty years, such stipulation shall for such excess over the period of thirty years be null and void.

All rents already created to be redeemable, if owned by a Corporation or party capable of alienating them, and on what conditions.

3. All rents, other than those hereinafter excepted, which, before the passing of this Act, may have been charged upon any real estate, by any instrument for the transfer thereof (*titre translatif de propriété*) whether by sale or otherwise, either as perpetual irredeemable ground rents (*rentes foncières perpétuelles non rachetables*), or as rents to affect such real estate irredeemably for a term of more than ninety-nine years, or for more than three lives, if owned by any Corporation or by any party capable in law of alienating the same, shall hereafter be redeemable at the option of the holder (*détenteur*) of such real estate, on any day whereon any payment (*arrérages*) of such rent shall fall due; but no such rent shall be so redeemable if the right of the owner (*créancier*) thereof be only conditional

Exception.

or

or limited, or if such rent be charged by emphyteotic lease (*créée à titre de bail emphytéotique*); Provided always, that such holder shall have given one full year's notice to the owner (*créancier*) of the rent, of his intention to redeem the same on such day, and shall on such day duly pay or tender the full amount of the capital of such rent, and of all arrears (*arrérages*) thereof; And provided also, that if, after such notice given, payment or tender be not made on such day, the owner (*créancier*) of the rent shall be under no obligation by reason of such notice to receive the same, but in his option may either insist on the continued payment of such rent as stipulated, or may at any time within one year thereafter sue for and recover, as well personally against the party who may have given such notice as hypothecarily against any third party holder (*détenteur*) of the real estate, the full amount of such capital and arrears, with interest thereon from such day, and liquidated damages at the rate of ten per centum thereon, and costs of suit.

Proviso: notice to be given.

Proviso: if not redeemed pursuant to notice.

4. It shall be lawful for any corporation to invest in real estate, or upon security thereof, the amount of the capital of any rent redeemed or recovered under this Act.

Corporations may invest redemption money in or upon real estate.

5. Whenever the amount of the capital of any rent to be redeemed under this Act shall not have been stated in the instrument creative thereof, the same shall be calculated from the amount of such rent at the rate of five per centum per annum, if the date of such instrument be prior to the fourth of March, one thousand seven hundred and seventy-seven, and at the rate of six per centum per annum, if the date thereof be on or subsequent to that day; and whenever such rent shall be wholly or in part payable in kind, the value of the same shall and may be calculated for the redemption thereof, at the then fair money value of the articles wherein the same may be so payable.

Calculation of capital of a rent where it is not stated.

6. Nothing in this Act contained shall be construed to affect in any wise howsoever any seigniorial rent (*rente seigneuriale*), or any rent created or to be created under the Seigniorial Act of 1854, and the Acts amending the same, or any rent stipulated by any lease or grant from the Crown, or from any department of the Government, or to render redeemable any *rente viagère* heretofore created, or any *rente viagère* hereafter to be created, for not more than three lives, or to abridge or otherwise alter the term now fixed by By-law for the prescription of any irredeemable rent heretofore created and hereby made redeemable or of the arrears thereof.

Act not to apply to certain cases.

Not to affect prescription.

7. This Act shall apply to Lower Canada only.

Act limited to Lower Canada.

CAP.

CAP. L.

An Act to amend *An Act to facilitate the proof in Lower Canada of certain Instruments executed without that section of the Province.*

[*Assented to 4th May*, 1859.]

Preamble.

22 V. c. 7.

WHEREAS it is expedient to amend the Act passed in the twenty-second year of Her Majesty's Reign, intituled, *An Act to facilitate the proof in Lower Canada of certain Instruments executed without that section of the Province:* Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Copy of power of Attorney executed abroad before a Mayor, &c., produced in evidence to be made by Prothonotary.

Such copy to be *primâ facie* evidence, &c.

1. In all cases where any Power of Attorney purporting to be executed out of Lower Canada, in the presence of one or more witnesses, and to be authenticated by or before any Mayor or other Magistrate, Judge of any Court of Record, British Consul or other Public Officer of the country where it bears date, has been or may be produced by any witness or witnesses who decline to part with such original, it shall be the duty of the Prothonotary or Clerk of the Court in which such cases shall or may be pending, forthwith to make a true and exact copy of such Power of Attorney, at the cost and charges of the party or parties requiring the same, and to certify and deposit the same in such cases; and such copy so certified and deposited shall be taken and received by and before all Courts and elsewhere in Lower Canada, as *primâ facie* evidence of the original and of the due execution thereof; and such Power of Attorney shall be held and taken to be authentic and duly proved in the manner aforesaid, unless the authenticity thereof be specially put in issue as hereinafter mentioned.

Authenticity of original may be denied on affidavit.

It must then be proved, and how.

2. It shall be competent for any interested party to deny the authenticity of the original of any such copy by filing an affidavit before the closing of the evidence or *Enquête* of the party or parties producing such copy, or in whose interest it shall or may be filed, to the effect that he has reason to doubt and does not believe that the same was executed or attested by the person or persons, nor in the manner it purports to be, and by entering security to the satisfaction of a Judge, for all costs attending the execution of any commission to be issued to prove such Power of Attorney; it shall then be incumbent on the party wishing to use the copy to prove the original thereof in due form of law, to which end the party having the custody of such original shall be bound, on the order of any Judge, to deposit the same in Court, in the cause wherein it is put in issue, receiving in return from the Prothonotary or Clerk thereof, at the expense of the party by whom its authenticity is denied, a copy thereof certified as aforesaid; and it shall be the duty of all Judges and Courts to grant such order on petition, any law

or

or custom to the contrary notwithstanding; and the original may thereupon be annexed to any Commission to be issued for the proof thereof.

Costs of proving against whom to be taxed.

3. If such Power of Attorney is duly proved, all costs incurred on the proceedings for proving it shall be taxed against and payable by the party denying the authenticity of the same, whatever may be the final judgment in the cause; and in any case, when the cause is finally decided by a judgment in the last resort or from which there is no appeal, or when the delay to appeal has expired, it shall be the duty of the Prothonotary or Clerk to return the original Power of Attorney to the party who deposited the same or his legal representative on demand, taking a receipt for the same.

The said Act to apply to cases where it came into force: how party denying authenticity of power produced under it shall proceed.

4. The said Act now being amended shall apply to all cases pending when the said Act came into force, and to all Notarial copies of Powers of Attorney of the description in the said Act mentioned, filed in such cases; and any person wishing to deny the authenticity of any original Power of Attorney contemplated by that Act, in any such case, where the party may have pleaded before the said Act came into force, shall file the affidavit and give the security mentioned in the second section of the said Act within one month from the day on which this Act shall come into force and effect, in default whereof such original Power of Attorney shall be held and taken to be authentic and duly proved in the manner in the said Act mentioned.

CAP. LI.

An Act to prevent the fraudulent conveyance of real estate charged with hypothecs, after proceedings have been instituted to enforce payment thereof.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it often happens that debtors, with the view of defrauding their creditors, sell or alienate their real estate after their creditors have taken proceedings at law for the recovery of debts for which such real estate has been hypothecated, thereby exposing them to the inconvenience of commencing new proceedings, and often to the loss of their debts, and it is expedient to provide for the prevention of frauds of this nature: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Sale, &c., made after proceedings for recovering hypothecary debt to be void.

1. Every sale or alienation of any nature whatsoever, of any immoveable charged with hypothec duly registered prior to such sale or alienation, after proceedings shall have been commenced for the recovery of the debt, with the payment of which such immoveable is charged, shall be null and

and void as regards the creditor who shall have commenced such proceedings, and such creditor may proceed against the defendant in such action to the seizure and sale of such immoveable as though such sale or alienation had never taken place; Provided always that in such case the purchaser of such immoveable so seized may prevent the sale thereof, by tendering by his opposition and depositing in the office of the Sheriff, the amount of the debt with which such immoveable is charged, including principal, interest and costs, and not otherwise, and such deposit having been so made, the Sheriff shall forthwith pay to the plaintiff and prosecuting creditor the amount of the debt including capital, interest and costs, and no such opposition shall have the effect of preventing or suspending such seizure and sale, if it be not accompanied with such tender and deposit.

Proviso: how the purchaser may prevent the sale of the property by the Sheriff.

Act limited to U. C.

2. This Act shall apply to Lower Canada only.

CAP. LII.

An Act to amend the School Laws of Lower Canada.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is expedient to amend the School Laws of Lower Canada, as hereinafter is set forth: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Governor in Council may appoint a Board of Examiners in any County or Counties.

1. It shall be lawful for the Governor in Council, whenever it may be deemed expedient so to do, upon report of the Superintendent of Schools or Council of Public Instruction for Lower Canada, by Proclamation, to constitute a Board of Examiners of Teachers in and for any County in Lower Canada, or in and for any two or more neighboring Counties in Lower Canada which may be conveniently united for such purpose; and every such Board shall meet at such place and at such times as the Governor in Council may upon like report from time to time ordain; and the members thereof shall from time to time be appointed by the Governor in Council through the Superintendent of Schools.

In what place and during what period the certificates granted by any Board shall avail.

2. The certificates to be granted by every such Board shall only avail for the employment of the Teachers obtaining the same, within such County or Counties, and for such class or classes of Schools, as the Governor in Council upon like report may from time to time ordain, and for a term of three years from the date of such certificates; and those to be hereafter granted by the several Boards of Examiners in the Cities of Montreal and Quebec, and in the Districts of Kamouraska, Gaspé, Three-Rivers and Ottawa, and in the Counties of Sherbrooke and Stanstead, respectively, shall in like manner only avail

avail for such territorial limit, and for such class or classes of Schools, as the Governor in Council upon like report may from time to time ordain, and for a like term of three years.

Meetings of the Board.

3. The meetings of the several Boards of Examiners in the Cities of Montreal and Quebec, the Districts of Kamouraska, Gaspé, Three-Rivers and Ottawa, and the Counties of Sherbrooke and Stanstead, respectively, shall hereafter be held at such places therein, and may hereafter be held at such times instead of or besides those now fixed by law, as the Governor in Council may upon like report from time to time ordain.

Number of Members.

Divisions of Boards.

4. Every Board of Examiners, with the exception of those in the Cities of Montreal and Quebec respectively, shall be composed of not less than five nor more than ten members, and may be organized, if the Governor in Council upon like report shall so ordain, but not otherwise, in two divisions, Roman Catholic and Protestant respectively; in which case each division shall separately perform the duties devolving on them.

Governor in Council may modify the duties of the Boards.

5. It shall be lawful for the Governor in Council upon like report from time to time to modify, as occasion may require, the detail of duties imposed on Boards of Examiners and on the Secretaries of such Boards, by the fiftieth section of the Act passed in the ninth year of Her Majesty's Reign, intituled, *An Act to repeal certain enactments therein mentioned, and to make better provision for Elementary Instruction in Lower Canada;* and every modification so made of such duties shall be binding on all parties for whom the same may have been made, as though expressly embodied in this Act.

Any amount required for Common Schools may be raised by direct taxation.

6. The School Commissioners for any Municipality, and the Trustees of any Dissentient Schools therein, may hereafter raise by direct assessment upon the taxable property by law subject to such assessment, any amount beyond that now limited by law, which it may be deemed necessary to raise for the support of the Schools under their control.

Amount which may be raised for a School-house extended.

7. The limit heretofore set to the amount of any rate for the building of a School-house is hereby extended,—so that hereafter any rate for the building of a Superior or Model School-house may amount to the sum of one thousand dollars, and for the building of a Common School-house to the sum of five hundred dollars.

Assessment not void tho' after the time limited.

8. No assessment for School purposes shall hereafter be held for null or be set aside, by reason of its having been made or published after the time limited by law.

Copyrights in School books, &c., may be

9. The copyright of any book, map, chart, musical composition, or other publication whatsoever, (whether original, or wholly

owned by Council of Public Instruction.

wholly or in part compiled,) which may hereafter be published for the use of Schools under the direction of the Council of Public Instruction for Lower Canada, may be acquired and held by the said Council; and all profits to result from such copyrights shall enure to the benefit of the Lower Canada Superior Education Income Fund.

Sect. 9 of Act 19, 20 V. c. 14, and oth r enactments inconsistent with this Act, repealed.

10. The ninth section of the Act passed in the Session of the Parliament of this Province held in the nineteenth and twentieth years of Her Majesty's Reign, intituled, *An Act to amend the Common School Laws, and further to promote Elementary Education in Lower Canada*, and all other provisions of any law now in force inconsistent with this Act, are hereby repealed.

CAP. LIII.

An Act further to amend the Acts touching the Royal Institution for the Advancement of Learning, and the University of McGill College.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS the Royal Institution for the Advancement of Learning, Governors of the University of McGill College, by their Petition to the Legislature have set forth, that under authority of the Act of the Parliament of this Province, passed in the eighth year of Her Majesty's Reign, and intituled,

8 V. c. 78.

An Act to enable the Corporation of the Royal Institution for the Advancement of Learning, to dispose of certain portions of land for the better support of the University of McGill College, they have heretofore alienated certain portions of the lands held by them in trust for the said University, for an annual irredeemable ground rent (*rente foncière*) subject (as by the said Act was required), to an increase of twenty-five per cent. on the original rent, at the expiration of every twenty years, for the term of one hundred years from such alienation; that it has been doubted how far and upon what terms such rents can be by law redeemed, even under the legislation since had with the view of rendering *rentes foncières* redeemable; that for avoidance of such doubts it is desirable that the said Royal Institution for the Advancement of Learning should be by law expressly authorized to agree with the holders of such lands for the redemption of all ground rents (*rentes foncières*) so stipulated, subject to increase as aforesaid; that they the said Royal Institution were under the necessity, during the year one thousand eight hundred and fifty-six, of expending upwards of two thousand five hundred pounds currency, over and above all available revenues of the said University, in and about the re-building of Burnside Hall, one of the buildings of the said University, then recently destroyed by fire, and that to meet the educational

educational wants of the said University they must very shortly expend other large amounts of money over and above its available revenues, in or about the erection or acquisition by purchase of other University buildings; that it has been doubted how far such University buildings can be held to be "productive real estate" within the meaning of the Act of the Parliament of this Province, passed in the twentieth year of Her Majesty's Reign, and intituled, *An Act further to amend the Acts relative to the Royal Institution for the Advancement of Learning, and to the University of McGill College*, whereby the said Royal Institution for the Advancement of Learning were and are required to invest all moneys received by them as purchase money of real estate or in redemption of ground rents, whether on account of McGill College aforesaid, or of any department or branch thereof, of any Institution of Royal Foundation wholly or in part under their control, either in productive real estate or upon security thereof, or in public stocks or securities of the United Kingdom or of this Province; and that it is desirable to remove such doubt and to authorize the investment of such moneys in such buildings or other real estate as may be required for the actual use of such College, or department or branch thereof, or institution as aforesaid;— And whereas, by such their petition, they have prayed for the passing of an Act to amend the Acts touching the said Royal Institution for the Advancement of Learning and the said University, to the intents aforesaid: And whereas it is expedient to grant their said prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: 20 V. c. 53.

1. The said Royal Institution for the Advancement of Learning, may agree with any holder of land heretofore alienated by them under authority of the Act firstly above mentioned, in consideration of an irredeemable ground rent (*rente foncière*) subject to increase as aforesaid, for redemption of such rent, on such terms as they may deem expedient, and may take in discharge thereof such redemption money as shall so have been agreed upon, and shall deal with such redemption money as though it were received in redemption of an ordinary ground rent. **Royal Institution may agree for redemption of certain *rentes foncières*.**

2. The said Royal Institution for the Advancement of Learning may expend not more than two thousand five hundred pounds currency, from any capital now or hereafter in their hands, in discharge *pro tanto* of their present indebtedness incurred by reason of the re-building by them, in the year one thousand eight hundred and fifty-six, of Burnside Hall aforesaid. **May expend a certain amount in discharge of indebtedness for Burnside Hall.**

3. Any moneys heretofore or hereafter received by the said Royal Institution for the Advancement of Learning on account of any real estate by them alienated or to be alienated, or on **Moneys received may be invested in real estate for**

their own use and occupation.

account of the capital of any ground rent, whether for McGill College aforesaid, or for any department or branch thereof, or for any Institution of Royal foundation wholly or in part under their control, may be by them invested in such buildings or other real estate as may be required for the actual use of such College or department or branch thereof, or institution, as the case may be.

Such investments to be included in annual report.

4. The said Royal Institution for the Advancement of Learning, shall at all times in their yearly statements of account rendered to the Governor of this Province, specially and in detail, state all such receipts and all such investments or re-investments as may have taken place under authority of this Act during the year covered by such statement.

Public Act.

5. This Act shall be deemed a Public Act.

CAP. LIV.

An Act to amend the Act for the qualification of Justices of the Peace.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is not expedient that the Sheriffs and Coroners of other Districts in Lower Canada than those of Montreal and Quebec should be disqualified for acting as Justices of the Peace in and for the respective Districts; And whereas it is expedient to declare valid the acts of any Sheriffs of the new judicial Districts in Lower Canada who may inadvertently have continued to act as Justices of the Peace, and to relieve them from any penalties which they may have incurred by reason of their having so acted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Act 6 V. c. 3, not to apply to Sheriffs and Coroners in L. C.

Exception.

1. Hereafter, the sixteenth section of the Act passed in the sixth year of Her Majesty's reign, and intituled, *An Act for the qualification of Justices of the Peace*, shall not apply to Sheriffs or Coroners in Lower Canada, except to the Sheriffs and Coroners of the Districts of Montreal and Quebec.

Acts done by Sheriffs in new Districts to be valid: and Sheriff not liable to any penalty.

2. Any act or proceeding done or taken since the twenty-sixth day of November, one thousand eight hundred and fifty-seven, under the authority of a Commission of the Peace, by the Sheriff of any of the new Judicial Districts in Lower Canada, shall be as valid and have the same effect as though the Act cited in the preceding section had never been passed; and no such Sheriff shall be held to have incurred any penalty by reason of any such act or proceeding.

CAP. LV.

An Act to make better provision for regulating the measurement of Coal, and for other purposes therein mentioned.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS the laws now in force which regulate the measurement of coal are frequently productive of great trouble and difficulty, and give rise to many abuses and frauds, more especially with respect to measurement for the purpose of estimating cargoes and calculating the freight thereupon, and it is therefore expedient to make new provisions for such measurement, and to make further provisions for the benefit of owners of vessels engaged in the carriage of coal and other freight on certain waters of Lower Canada: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Part of Act of L. C. 6 W. 4, c. 36, repealed.

1. So much of the Act of Lower Canada, Sixth William the Fourth, Chapter thirty-six, regulating the measurement of coal, as defines the exact contents of a chaldron thereof, and regulates the dimension of the bushel by which the contents of such chaldron are to be ascertained, is hereby repealed.

Chaldron defined.

2. From and after the passing of this Act, the chaldron of coal shall contain thirty-six Imperial Winchester bushels.

Coal measures must be inspected and stamped.

3. Hereafter no tub or other measure shall be used for the purpose of measuring coal which shall not have been previously inspected by some one of the Inspectors of Weights and Measures appointed under the Acts in force in Lower Canada, relating to the inspection of weights and measures, and by him stamped or branded with the proper mark, after having been first compared and verified with and by the copies of the standard of the Imperial bushel or half bushel provided by law for that purpose; And all the provisions of the said Acts with respect to inspection and the enforcing thereof by penalties or otherwise, shall apply to the measures used for the measurement of coal.

Inspection Laws to apply.

Consignee bound to receive goods consigned, within a certain time.

4. Whenever any sailing vessel or steamer shall have arrived at its destination and the master thereof or his agent shall have notified the person to whom the freight is consigned or his agent, either by public advertisement or otherwise, that such freight has reached the place designated in the bill of lading, the person to whom the freight is consigned shall be bound to receive the same within twenty-four hours after notice to that effect shall have been given to him as aforesaid, and thereafter such freight, so soon as placed on the wharf either direct from the vessel or otherwise, shall be at the risk and charges of the consignee or owner.

Time for discharging certain cargoes.

5. When the cargo of the vessel shall consist of coal, such coal shall be discharged at the rate of forty chaldrons *per diem*; When the cargo shall consist of metal the freight of which is estimated by the ton, not less than sixty tons shall in like manner be discharged daily; If the cargo consist of salt or grain, not less than two thousand minots shall be discharged daily; If it consist of salt in sacks, not less than one thousand sacks shall be discharged daily; If of sawed lumber, not less than fifty thousand feet shall be discharged daily; And if of bricks, not less than twenty-thousand of such bricks shall be discharged daily.

Proceedings under this Act to be summary, &c.

6. All proceedings for the recovery of fines and penalties imposed by this Act shall be had and taken before one or more Justices of the Peace, Superintendent of Police or Recorder, at the place at which the infraction of this Act shall have occurred, and shall be summary.

Public Act, and extent thereof.

7. This Act shall be a Public Act, and shall apply to Lower Canada only.

CAP. LVI.

An Act to enable County Municipalities in Lower Canada to recover the amount of certain assessments.

[*Assented to 4th May*, 1859.]

Preamble.

20 V. c. 44, recited.

WHEREAS the Act passed in the twentieth year of Her Majesty's reign, and intituled, *An Act to amend the Judicature Acts of Lower Canada*, provides, amongst other things, for the establishment of a Circuit Court in each of the Counties of Lower Canada, (other than the Counties excepted by the Act,) and that such Circuit Court may be so held in any County, under the restrictions imposed by the said Act, as soon as the Municipality of such County shall have provided proper accommodation for the Court and its Officers, "and made permanent provision for the maintenance of such accommodation;" Whereas by the same Act there is allowed to each County Municipality the sum of three hundred pounds towards building or procuring a County Court-house at a place to be approved by the Governor; Whereas the powers conferred upon County Municipalities for raising or providing for the recovery of any sums they may deem necessary to be added to the said three hundred pounds for the purpose of building a County Court-house, are not sufficiently indicated in the Municipal Acts; Whereas certain County Municipalities have passed By-laws for the erection of such County Court-houses; And whereas certain County Municipalities have imposed assessments payable by the Local Municipalities, for purposes connected with the interests of the public or of such Counties; And

And whereas the Municipal laws of Lower Canada do not provide a prompt and easy method for the recovery of the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

County By-law apportioning the sum to be paid by any Local Municipality, for a Court House, &c., to be binding.

1. In any County Municipality in which land has been offered for the building of a County Court-house, and accepted by the Governor as the site thereof, and in which the Council shall have ordered and directed, or shall hereafter by By-law order and direct, the building of such Court-house on the said site, and have apportioned or shall hereafter apportion the sum payable, or hereafter to be payable, by each Local Municipality for such purpose, such By-law shall be definitive, and the assessment so imposed shall be obligatory upon such Local Municipality, and thenceforward the sum therein mentioned shall become a debt of such Local Municipality.

Duty of the Secretary-Treasurer of the County and Local Municipality, respectively.

2. It shall be the duty of the Secretary-Treasurer of the County Municipality, immediately after the passing of any such By-law by such County Municipality, to transmit a copy thereof to the Secretary-Treasurer of each Local Municipality affected thereby, and the Secretary-Treasurer of such Local Municipality shall, within two months after the day on which he shall have received the same, or within two months after the passing of this Act, if such By-law have been passed or adopted previous to the passing of this Act, prepare a special collection roll or assessment roll, as the case may be, based upon the valuation roll for such Local Municipality, and he shall, in the usual manner, calculate and insert the several assessments payable by each contributor, and the total amount due by each person in such Local Municipality, and in case he shall fail to do so within the said delay, the said Secretary-Treasurer of such Local Municipality shall be liable to a fine of not less than one hundred or more than two hundred dollars, recoverable at the suit of the County Municipality, before one or more Justices of the Peace, under an ordinary writ of summons.

Local Secretary-Treasurer to collect the sums so apportioned.

And account for them to the County.

3. The Secretary-Treasurer of any Local Municipality affected by such By-law of a County Municipality, after he shall have prepared in the manner aforesaid the collection roll mentioned in the second section of this Act, shall be the collector of the same, and it shall be his duty to raise the amount of the assessment so imposed, in the manner provided by the seventy-fourth section of the Lower Canada Municipal and Road Act of 1855: and such Secretary-Treasurer shall be bound to render an account to the County Municipality of the collection of such moneys in the manner and under the penalties and suits provided by the seventy-fourth section of the Lower Canada Municipal and Road Act of 1855, and the Acts amending the same.

4.

Act to apply to all assessments for County works

4. The provisions of this Act shall apply to all assessments imposed by County Municipalities upon any Local Municipality, in matters relating to County interests, or for the purpose of making provision for any County works.

CAP. LVII.

An Act to legalize certain proceedings taken by Agricultural Societies in Lower Canada, and for other purposes.

[*Assented to 4th May*, 1859.]

Preamble.

20 V. c. 49.

20 V. c. 32.

WHEREAS certain irregularities have occurred in the election of the Officers of Agricultural Societies in Lower Canada, which took place at the period indicated by the Act twentieth Victoria, chapter forty-nine; And whereas an erroneous interpretation of the Act twentieth Victoria, chapter thirty-two, has caused certain Agricultural Societies in Lower Canada composed of more than forty persons, contributors to an amount exceeding twenty pounds currency, to be of opinion that the said Act rendered it unnecessary for them to subscribe to the declaration and form contained in Schedule A of the Act first above cited; And whereas it is expedient to extend the term limited for the organization of Agricultural Societies where such Societies have not already been organized in Lower Canada, and in consideration of the advantages which result from the proper working of the said Agricultural Societies: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, declares and enacts as follows:

Elections held at the period mentioned in 20 V. c. 49,— declared valid.

1. Elections of officers of Agricultural Societies which have taken place in the different counties of Lower Canada at the period enacted by the Act twentieth Victoria, chapter forty-nine, are hereby declared valid, and the said officers shall be entitled to exercise all the powers, and to discharge all the duties, conferred and enumerated by the Act last cited and by the Act twentieth Victoria, chapter thirty-two, with reference to Agricultural Societies in Lower Canada; If however, in any County in which but one Agricultural Society ought to exist, two Societies have been organized in opposition one to the other, that Society which has been admitted by the Board of Agriculture shall be the legally organized Society, and shall enjoy all the rights and privileges conferred upon Agricultural Societies.

Proviso.

Societies so organized must make the declaration under the said Act.

2. The said Agricultural Societies organized as aforesaid in conformity with the provisions of this Act, shall nevertheless subscribe to the declaration in the form contained in the said Schedule A of the said Act twentieth Victoria, chapter forty-nine; and the said declaration shall then be deemed to be subscribed to in conformity with the provisions of the Act last above cited.

Notwithstanding 20 V. c. 49, the inhabitants of a County may organize a Society and elect officers, in 1859.

3. Notwithstanding the provisions of the Act twentieth Victoria, chapter forty-nine, which enacts and provides that the election of the President, Vice-President and Directors should take place within the three first weeks of the month of January, one thousand eight hundred and fifty-nine, for the current year, it shall be lawful for the inhabitants of any County in Lower Canada, upon conforming to the other provisions of the Act last above cited, to organize an Agricultural Society, and to elect the President, Vice-President and Directors, at any meeting called for that purpose by the Warden or a Justice of the Peace in the County, upon the requisition of at least three persons entitled to vote at the election of the officers aforesaid.

Who shall preside at the meeting for such election.

4. If on the day and at the hour and place at which such meeting is to be held, the said Warden or Justice of the Peace be absent, any person selected by the majority of the persons present, and entitled to vote at such election shall preside, and shall discharge, in so far as concerns the said election and the Acts relating thereto, all the duties imposed upon the President of any such meeting.

Proceedings to be transmitted to the Board of Agriculture.

5. The proceedings at such meeting shall be transmitted to the Board of Agriculture by the person who shall have presided thereat; and if such person shall neglect or refuse to transmit a report of the said proceedings to the Board of Agriculture, whether such proceedings shall have been had since the first day of January, one thousand eight hundred and fifty-nine, or shall be had after the passing of this Act in conformity therewith, it shall be lawful for not less than three persons who shall have been present at such meeting, to draw up a *procès-verbal* setting forth the result of such meeting, and giving the names of the officers elected for such Agricultural Society, whether the same be for a County or for the Division of a County, as the case may be; And the said *procès-verbal* shall be transmitted to the Board of Agriculture, and shall be considered to be an official report of the proceedings of such meeting; if however it be objected that the said report is false and irregular, the Board of Agriculture shall decide the matter in dispute, and its decision shall be final.

Societies which have transmitted reports legalized—notwithstanding irregularities

6. The Agricultural Societies which have transmitted reports of the proceedings at their meetings to the Board of Agriculture, and of which the proceedings have been declared to be valid by the said Board of Agriculture, are hereby legalized notwithstanding any irregularities in such proceedings.

Secretary-Treasurers of Societies to give security.

7. The Secretary-Treasurer of every Agricultural Society shall be bound to furnish security to the said Agricultural Society of which he is the Secretary-Treasurer, to the amount of two hundred pounds currency, to the satisfaction of the President and Vice-President of the said Society; and it shall not be lawful for him to receive any money from the Board or Bureau of Agriculture, without having first furnished a copy of such security to the Board of Agriculture.

8.

Every County to be a County for Agricultural purposes.

8. All counties in Lower Canada, united for purposes of representation in the Legislative Assembly, shall, for all the purposes of Agriculture, be deemed separate counties, and shall enjoy all the rights and privileges conferred by the laws respecting Agriculture in force in Lower Canada, upon Counties not so united.

Returns to be made by 1st July.

9. All returns to be made by Agricultural Societies organized in virtue of this Act, shall be made to the Board of Agriculture upon or before the first day of July next.

Exhibitions may be annual or biennial.

10. So much of the said Act twentieth Victoria, chapter thirty-two, as requires that the Agricultural Association for Lower Canada shall hold an annual Fair or Exhibition, is hereby repealed, and henceforth the said association shall hold a Fair or Exhibition annually or biennially, reckoning from the date of its last Fair or Exhibition, as the Board of Agriculture for Lower Canada shall deem best.

Appointment of place for holding annual shows.

11. In case the Board of Officers and Directors of the Agricultural Society of any County or part of a County require the Municipal Council of such County to select a central and proper place in such County or part of a County at which the show of such society shall be held in each year thereafter, it shall be lawful for such Municipal Council at any of its General Quarterly Sessions after the first day of February, one thousand eight hundred and sixty, and it shall be the duty of such Municipal Council after that day at its first General Quarterly Session, after having been so required, to pass a By-law declaring its selection of such a place, and thereafter the annual show of such Agricultural Society shall always be held at such place.

Public Act—to apply only to L. C.

12. This Act shall be a Public Act, and shall apply to Lower Canada only.

CAP. LVIII.

An Act to amend the Law respecting Building Societies in Lower Canada.

[*Assented to 4th May*, 1859.]

Preamble.

12 V. c. 57.

WHEREAS under an Act passed in the twelfth year of the Reign of Her Majesty, intituled, *An Act to encourage the establishment of Building Societies in Lower Canada*, certain Building Societies have been established called Permanent Building Societies, which have in a great measure superseded those Societies called Terminating Building Societies, and are conducted on more certain and equitable principles than the said Terminating Building Societies, by enabling persons to become members thereof at any time for investment therein or to obtain the advance of their shares or share by giving security therefor,

therefor, and to fix and determine with the said Society the time and amount which such members shall repay such advanced share or shares and obtain the release of the said security, without being liable to the contingency of losses or profits in the business of the said Society; And whereas doubts have arisen as to whether such Permanent Building Societies are within the meaning and intention of the said recited Act; And whereas it is expedient to remove such doubts and to encourage Building Societies established on the said Permanent principle: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Permanent Societies having fulfilled certain conditions, to be Societies within the said Act.

1. Any Permanent Building Society established, or hereafter to be established, under the said hereinbefore recited Act and the amending Acts thereto, and conducted on the principle hereinbefore mentioned, which shall have fulfilled and observed all the conditions necessary to be fulfilled and observed for the establishment of a Building Society under the said recited Acts, shall be and the same is hereby declared to be and to have been a Building Society within the meaning and intention of the said recited Acts, and to be and to have been entitled to all the powers, benefits and advantages of the said recited Acts; and any person or persons who shall have approved the Rules and Regulations of any such Building Society entered and recorded in a book, as in the fifth section of the said recited Act, passed in the twelfth year of Her Majesty's Reign, is required, and shall have subscribed his name as a shareholder for one or more shares, shall, from the time of such approbation and subscription, be and be deemed to have been a member or members of such Building Society; and the production of the book containing the rules for the management of such Society, kept as in the fifth section of the said Act is required, signed by such person, or by his duly authorized attorney, and duly witnessed, shall at all times and for all purposes be sufficient evidence of membership in such Building Society.

Who shall be deemed Members of such Societies.

Evidence of Membership.

How permanent Societies may pass or amend their By-laws.

2. It shall be lawful for any Permanent Building Society to alter, amend, repeal or create any Regulation, Rule or By-law for the working of the said Society at a public meeting of the members of such Society duly convened according to law and the Rules of such Society.

Amount to be borrowed by any such Society, limited.

3. Every such Society, by its Rules, Regulations and By laws authorized to borrow money, shall not, at any time after the passing of this Act, borrow, receive, take or retain, otherwise than in stock and shares in such Society, from any person or persons, any greater sum than three fourths of the amount of capital actually paid in on unadvanced shares and invested in real securities by such Society; and the paid in and subscribed capital of the Society shall be liable for the amount so borrowed, received or taken by any Society.

4.

Holders of shares fully paid up may withdraw or invest the amount.

4. When any share or shares in any Society shall have been fully paid up according to the rules of the Society, or shall have become due and payable to the holder thereof, then and in such case it shall be lawful for the holder of such share or shares, either to withdraw the amount of his share or shares from the said Society, according to the rules and regulations thereof, or to invest the amount of his said share or shares in the Society, and to receive therefrom, periodically, such proportion of the profits made by such Society as shall be provided for by a By-law to be passed for the purpose; and the amount of such share or shares so invested shall become fixed and permanent capital or shares in the said Society not withdrawable therefrom, but transferable in the same manner as other shares in the said Society.

Society may loan money on security of unadvanced shares, &c.

5. It shall be lawful for such Society to advance to members on the security of investing on unadvanced shares in the said Society, and to receive and take from any person or persons, or bodies corporate, any Real or Personal Security of any nature or kind whatever as Collateral Security for any advance made to members of the Society.

Society may hold real property for its occupation.

6. It shall be lawful for any Society to hold absolutely real estate for the purposes of its place of business, not exceeding the annual value of six thousand dollars.

Society not bound to see to trusts to which shares are liable.

7. Such Society shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any share or shares of its stock shall be subject; and the receipt of the party in whose name any such share or shares shall stand in the books of the Society, or if such share or shares shall stand in the name of more parties than one, the receipt of one of the parties shall, from time to time, be a sufficient discharge to the Society for any payment of any kind made in respect of such share or shares, notwithstanding any trust to which such share or shares may then be subject, and whether or not such Society shall have had notice of such trust; and the Society shall not be bound to see to the application of the money paid upon such receipt, any law or usage to the contrary notwithstanding.

What receipts shall be sufficient.

CAP. LIX.

An Act to amend the Acts authorizing the establishment of Mutual Fire Insurance Companies in Lower Canada.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is expedient to amend the Act of Lower Canada, passed in the fourth year of the Reign of His late

4 W. 4, c. 33.

Majesty King William the Fourth, intituled, *An Act to authorize the establishment of Mutual Fire Insurance Companies*, and the Acts

Acts amending the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Company may be formed in the City of Montreal.

1. The freeholders and other persons residing in the City of Montreal may establish a Mutual Fire Insurance Company, for insuring property situated within the limits of the said City, and not elsewhere, under the name of "The Mutual Fire Insurance Company of the City of Montreal," and all the provisions of the said Act fourth William the Fourth, chapter thirty-three, and of the Acts amending the said Act, in so far as they are not inconsistent with this Act, shall apply to the said Company.

Assessments for paying losses may be declared at any time during the year.

2. It shall be lawful for the Directors of the said Company, to declare during the year, and whenever it shall be necessary, the amount of assessment to be paid by the parties insured, to meet the expenses and losses of the said Company.

Annual meetings of Company.

3. The annual meeting for the election of the Directors of the said Company, shall be held on the second Monday in October, in each year, or on the following day if such second Monday be a holiday, and at an hour to be fixed by the Directors.

CAP. LX.

An Act to authorize the making and maintenance of Roads through Indian Reserves in Lower Canada.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS great inconvenience has been suffered from the want of authority to the Municipalities of Lower Canada to make and cause to be maintained public roads in the Indian Reserves of Lower Canada: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Such Roads may be made under Resolution of the County Council with the consent of the Superintendent of Indian Affairs.

1. Whenever the Council of a County in which any Indian Reserve is situate in Lower Canada, or the Council of any local Municipality surrounding or contiguous to any such Reserve, shall by Resolution declare that it is necessary that any land set apart for a public road by the original survey of such Indian Reserve should be opened or kept open by such Municipality, it shall be lawful for such Council, through their road officers, to enter upon such road, and to cause the same to be maintained;—and whenever it shall be declared by a Resolution of any such Council, that it is expedient to take any part of an Indian Reserve for the purpose of opening a new road, it shall be lawful for such Council, after consent obtained from the Superintendent General of Indian Affairs, to enter upon the same in the manner prescribed by "The Lower Canada Municipal and Road Act of 1855," and the price at which any such land

land shall be valued shall be paid to the Superintendent General of Indian Affairs, for the use of the Tribe of Indians for which such land may be held in trust.

Statute Labour by Indians.

2. Any road in any Indian Reserve in Lower Canada brought under the control of a Municipality by the preceding section, may be maintained by Statute Labour, to be performed by the Indians of such Reserve, according to a By-law or By-laws passed by any such Municipality, and approved by the Superintendent General of Indian Affairs.

CAP. LXI.

An Act to detach from the County of Rouville the tract of land herein described, and to annex the same to the County of Bagot.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS by a proclamation, dated the eighteenth day of January, one thousand eight hundred and fifty-nine, His Excellency the Governor General detached from the Parish of St. Césaire, in the County of Rouville, and annexed to the Parish of St. Pie, in the County of Bagot, for the purposes of the Ordinances and Acts mentioned in the said Proclamation, the tract of land hereinafter described; And whereas the resident freeholders of the said tract of land have, by petition to the legislature, prayed that the said tract of land may also be detached from the said County of Rouville and annexed to the County of Bagot, for all purposes whatsoever: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

The tract of land described and detached from Rouville and annexed to Bagot.

1. From and after the passing of this Act, all that tract of land now in the County of Rouville, containing sixty arpents in front by twenty-eight arpents in depth, and bounded as follows, namely: on the west by the line which divides the lands in the *Rang St. Ours*, from those of the Yamaska River, on the north by the southern line of the lands of the *Rang L'Espérance*, on the east by the western line of the *Rang d'Elmire*, and on the south by the line which divides the land of André Monty from that of Charles Roy, and the land of Eusèbe Bienvenu from that of Jean Baptiste Codère, shall cease to form part of the said County of Rouville, and shall be annexed to and comprised in the County of Bagot, for purposes of representation in the Legislature, for municipal, judicial, and registration purposes, and for all other purposes whatsoever, as if it had always been a part thereof.

Public Act.

2. This Act shall be deemed a Public Act.

CAP.

CAP. LXII.

An Act for the better regulation of the Harbors and Roadsteads in certain Municipalities in Lower Canada.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is expedient to empower Municipal Councils in the Districts of Gaspé and Saguenay to make provision for the better regulation of Harbors and Roadsteads on the coasts of those Districts: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain County Councils may make By-laws respecting ballast grounds in Harbors.

1. In addition to the powers vested in County Councils by the Lower Canada Municipal and Road Act of 1855, and the Act amending the same, the Municipal Council of the Magdalen Islands and the Municipal Council of every County in the Districts of Gaspé and Saguenay shall have power to make By-laws for the purpose of defining the limits of ballast ground in each and every harbor and roadstead on the coast of or nearest to such Islands or County.

Or if no Council be organized, the Stipendiary Magistrate may do so.

2. In case no Municipal Council be organized in the Islands, or no County Council in any or either of the said Counties, it shall be the duty of the Stipendiary Magistrate in charge of the vessel employed by the Government for the protection of the fisheries in the Gulf of St. Lawrence, and he is hereby authorized and empowered to define the limits of ballast ground in each and every harbor and roadstead on the coast of or nearest to the said Islands or such county or counties, as the case may be.

Penalty for infraction; and how recoverable.

3. No ballast shall be discharged from any ship or vessel in any harbor or roadstead in which the limits of ballast ground have been so defined as aforesaid, except within such limits, under a penalty of not less than five dollars nor more than fifty dollars, recoverable by distress on summary conviction before the said Stipendiary Magistrate or any Justice of the Peace, from the master or owner of such ship or vessel, provided such limits have been previously, during the same voyage, pointed out to the master or other person in charge of such ship or vessel, as hereinafter mentioned.

Guardian may be appointed for each Harbor—his duties.

4. The Municipal Council or Stipendiary Magistrate as aforesaid, as the case may be, by whom the limits of ballast ground in any harbor or roadstead have been defined, may appoint a guardian of such harbor or roadstead, whose duty it shall be to board every ship or vessel arriving there in ballast as soon as possible after the arrival of such ship or vessel, and to point out to the master or other person in charge thereof, the limits of ballast ground in such harbor or roadstead, to cause

all

all such vessels to anchor within or remove into such limits and discharge their ballast there, if in his power so to do, and to prosecute for the recovery of all penalties incurred under this Act.

Limits defined by Stipendiary Magistrate to be in force until altered by Council.

5. In case a Municipal Council is organized in the said Islands or in any County in the said Districts after the limits of ballast ground have been defined in any harbor or roadstead on the coast of or nearest to such Islands or County, and a guardian thereof appointed as aforesaid by such Stipendiary Magistrate, such definition of limits shall remain in force, and such guardian shall remain in office, until new limits are defined and a new guardian is appointed by such Municipal Council.

Conviction to be summary.

Tackle, &c., of Vessel, liable for penalty.

6. The said Stipendiary Magistrate or any other Magistrate may convict summarily on the evidence of one witness, other than the informer, of any offence against the provisions of this Act; and the penalty, if not forthwith paid, may be levied on the tackle, apparel and furniture of the Vessel in respect of which it is incurred, under a warrant of distress from the convicting Magistrate.

Harbor Guardian may cause a Vessel to be removed, if the master will not.

7. The Harbor Guardian shall order the removal within the limits of ballast ground of any ship or vessel found discharging ballast in the harbor or roadstead beyond such limits; and upon the refusal or neglect of the master or person in charge of such ship or vessel to comply with such order within two hours, the Stipendiary Magistrate aforesaid may cause such ship or vessel to be so removed by the crew of the vessel under his own command, or the Harbor Guardian may cause her to be so removed by any means in his power.

CAP. LXIII.

An Act to amend the several Acts respecting the Corporation of the City of Quebec.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS the Mayor, Councillors, and Citizens of the City of Quebec have, by their petition, represented that the several Acts for the government of the said City ought to be amended; And whereas it is expedient to amend the said Acts: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Act 22 V. c. 30, sect. 8, amended.

1. The words "twenty-sixth" and "twenty-seventh," in the eighth section of the Act twenty-second Victoria, chapter thirty, shall, from and after the passing of this Act, be replaced by the words following: The words "twenty-sixth" by the words "twenty-second,"

"twenty-second," and the words "twenty-seventh" by the words "twenty-third."

Corporation may appeal from judgments of Recorder's Court.

2. The Corporation of the City of Quebec shall have a right of appeal from the judgments of the Recorder's Court of the said City, when they deem themselves aggrieved by any such judgment or judgments, in the same manner as any other person may now appeal from the said judgments, and they shall be subject to the same formalities, any thing in the eleventh section of the said Act, or in any other Act, for the government of the said City to the contrary notwithstanding.

Writ of *Fi. Fa. de Terris* may issue in certain cases on judgments in Recorder's Court.

3. Whenever any party against whom judgment shall have been rendered in the Recorder's Court of the said City, shall not have, within the limits of the jurisdiction of the said Court, sufficient goods and chattels to satisfy the said judgment in principal, interest and costs, but shall have lands or tenements, a writ *de terris* shall issue from the said Court, under the seal of the said Court and signed by the Clerk thereof, which said writ shall be made returnable to the Superior Court in the City of Quebec, and shall be directed to the Sheriff of the District, within which such lands may be situate, and such writ shall be executed by such Sheriff, as if it were a writ of execution issued from the Superior Court and in the same manner, and according to the same rules and regulations of law, and the said writ shall be by such Sheriff, with his proceedings thereon, duly returned into the Superior Court for Lower Canada sitting in and for the District of Quebec, and all ulterior proceedings of what kind soever, consequent upon the issuing of such writ, or necessary for the execution thereof, as well with regard to Plaintiff and Defendant, as with regard to other parties who, in due course of law, may have intervened by opposition or otherwise, shall be had in the said Superior Court, as effectually and in the same manner as if the cause in which such writ shall have issued had been originally brought and determined in the said Superior Court: Provided always that the said writ *de terris* shall not issue for a sum less than forty dollars.

Proceedings thereon.

Proviso.

Corporation may consolidate their debt by loan.

4. The said Corporation, incorporated under the name, style, and designation of the "Mayor, Councillors, and Citizens, of the City of Quebec," are hereby authorized, and it shall be lawful for them, in order to consolidate their debt, to borrow a sum of seventy-five thousand pounds currency, over and above any sum which they are authorized to borrow in virtue of the Acts for the government of the said city; but the said Corporation shall not thereafter under any pretext be deemed capable of increasing their debt beyond the amount which they are authorized to borrow on debentures by the said Acts and by this Act; and the Treasurer of the said City shall, at the period already fixed by law, take from and out of the annual revenues and funds of the said Corporation a sum of money equal to two and half per cent on the above mentioned seventy-five thousand pounds

But shall not thereafter increase their debt.

pounds which said sum shall be added to the existing sinking fund and be invested as the said fund towards the extinction of the aforesaid portion of the debt of the said City, and he shall be bound to comply herewith under the same penalty as is enacted for failure to comply with the provisions respecting the existing sinking fund; Provided, nevertheless, that the said Corporation shall not hereby be deemed to be deprived of the right possessed by every Municipal Corporation, of taking advantage of the Municipal Loan Fund: Provided also, that nothing contained in this Act, or any Act for the government of the said City, shall prevent the Corporation from purchasing and acquiring all lots of land, or other real or immoveable property, or property considered as such, by any Act for the government of the said City, for the opening of new streets, lanes, squares, market-places, or highways, or for other purposes of public utility; but before purchasing or acquiring any such property, the said Corporation shall conform themselves to the proviso of the sixty-first section of the Act eighteenth Victoria, chapter one hundred and fifty-nine.

Proviso.

Proviso.

18 V. c. 159.

Assessment not to be reduced by Mayor or Council, but only by Recorder's Court.

5. After the passing of this Act it shall not be lawful for the Corporation of the said City, or for the Mayor, or for any committee of the said Corporation, to reduce the amount of any assessment due or payable to the said Corporation; but the Recorder's Court of the said City shall have exclusive jurisdiction in this respect, as provided by the Act twenty-second Victoria, chapter thirty.

Addition to Act 18 V. c. 159, sect. 51, paragraph 2.

Further powers of taxation granted to the Corporation.

6. The second sub-section of the fifty-first section of the Act eighteenth Victoria chapter one hundred and fifty-nine, is hereby amended by adding the following words before the proviso: "And also, on all houses of public entertainment, and on merchants and dealers, and the agents of all such resorting to, or residing in the City, to take or receive orders therein, or to sell therein, by or according to sample, contract, or agreement, or in any other manner or way whatsoever, and on all petty chapmen within the City; and on all agents, managers, or keepers of theatres, circuses, or public entertainments, exhibitions, or shows of any kind; on all agents of bankers or banks, and the premises occupied by all such; on all forwarding merchants or forwarders, and the agents of all such, and all premises occupied by them; on all agents of brokers or of money changers, and the premises occupied by them; on all agents of, or for any Insurance Company or Companies in the said City, and all premises occupied by such Insurance agent or agents of or for any such Company or Companies in the said city; on all agents of merchants residing in any other city or place in this said Province, or elsewhere; on all telegraph Companies, and the agents of all such in the said City; on all traders and manufacturers, and the agents of all such in the City of Quebec; on all brewers, distillers, or soap and candle manufacturers; on all camphine and

and other oil manufacturers; on all root beer brewers, and the agents and agencies of any and all such; on all brick manufacturers, and on the proprietors or keepers of wood yards; on all proprietors or keepers of tanneries or slaughter houses in the city; on all inspectors of pot or pearl ashes, of beef, pork, flour, butter, or other produce, articles, effects or things whatsoever, in the said city; and generally on all trades, manufactures or arts, which now are, or may hereafter be carried on, exercised, or in operation in the city; on all persons by whom the same are or may be carried on, exercised, or put in operation therein, either on their own account, or as agents for others; and on the premises wherein or whereon the same are or may be so carried on, exercised, or put in operation."

Corporation declared to have power to impose fines, &c., in certain cases.

7. The said Corporation of the City of Quebec now has and always has had the power not only to impose fixed fines or imprisonment or both in the cases mentioned in the Acts for the government of the said city, but moreover of leaving to the Recorder's Court, or to any other Court mentioned in the said Acts, the care and duty of proportioning the punishment to the gravity or frequency of the offence, within the limitations mentioned in the said Acts.

Council may make By-laws for its internal management.

8. The Council of the City of Quebec at any meeting or meetings of the said Council, at which meeting two-thirds at least of the members of the said Council are present, may make one or more by-laws for the internal management of the said Council, and the twenty-second sub-section of the fifty-first section of the said last cited Act shall apply to each and every of the said by-laws.

The exercise of certain powers not to affect the election of Mayor or Councillor exercising them.

9. During each day of the voting of the municipal electors of the city of Quebec for the election of the Mayor, or of one or more or all the Councillors, or of the Mayor and of one or more or all the Councillors of the said city, the Mayor, or in his absence from the place of voting, any councillor appointed by the Mayor to take his place at the said place of voting, shall have all the rights and powers mentioned in the twenty-fifth section of the said last cited Act, and no act of the said Mayor or Councillor, in virtue of this section, or of the said twenty-fifth section above referred to, shall have the effect of preventing the said Mayor or Councillor from being elected Mayor or Councillor at such election.

Corporation may order census to be made by Assessors.

10. The said Council has and shall have power by any By-law passed for that purpose, in the ordinary form, at least two-thirds of the members of the said Council being present, to order that the assessors appointed by the said Council shall annually, and at the same time as they make the assessment of the properties, make a census of the population of the said city; and the assessors shall be bound to conform themselves to the

said order, subject to the penalties imposed as regards the execution of their other duties.

Proviso added to sect. 9 of 18 V. c. 159.

To what value property must be assessed in order to give the right of voting in certain cases.

11. The following proviso is hereby added to and shall form part of the ninth section of the said last cited Act: "Provided always, that no assessed property shall give as aforesaid the right of voting for Mayor or Councillors of the City of Quebec to the proprietor or to each proprietor thereof, unless it shall represent for each of them an annual value of at least eight dollars, nor to the occupant, tenant or usufructuary, nor to each occupant, tenant or usufructuary thereof, unless it shall represent for each of them an annual value of at least thirty-two dollars; and provided also, that the payment of the capitation tax, mentioned in the said last cited Act, shall not confer the right of voting aforesaid."

Addition to sect. 6 of 22 V. c. 30.

12. The following words shall be added to and form part of the sixth section of the Act twenty-second Victoria, chapter thirty: "And is at least twenty-one years of age."

Doubts under Water Works Acts, removed.

13. Doubts having arisen on the interpretation of the word "store" (*magasin*) in the Acts respecting the Water Works of the said City, it is enacted that hereafter the signification of the word "store" (*magasin*) in the said Acts shall be "the buildings used for the storing and selling of goods by wholesale."

Mayor a Member of the Council.

14. The Mayor of the said city is and always has been a member of the said Council.

Public Act.

15. This Act shall be deemed a Public Act.

CAP. LXIV.

An Act to incorporate the Town of Iberville.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS a great number of the inhabitants of the village of Christieville have represented that it is desirable that the said Village be incorporated as a Town, under the name of Iberville; And whereas the population of the said village, amounting to nearly two thousand souls, is not sufficient to enable the said incorporation to be effected under the Lower Canada Municipal and Road Act: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Town of Iberville incorporated.

Corporate name and powers.

1. From and after the passing of this Act, the inhabitants of the Town of Iberville as hereinafter described and their successors shall be and are hereby declared to be a body politic and corporate, in fact and in law, by the name of the "The Mayor and Council of the Town of Iberville" and separated from the County

County of Iberville for all Municipal purposes, and by the same name they and their successors shall have perpetual succession, and shall have power to sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts and in all actions, causes and suits at law whatsoever, and shall have a Common Seal, with power to alter and modify the same at their will and pleasure; and shall be in law capable of receiving by donation, acquiring, holding and departing with any property, real or moveable, for the use of the said Town; of becoming parties to any contracts or agreements in the management of the affairs of the said Town; and of giving or accepting any notes, bonds, obligations, judgments, or other instruments or securities, for the payment of, or securing the payment of any sum of money borrowed or loaned, or for the execution or guaranteeing the execution of any duty, right or thing whatsoever.

Boundaries of the Town.

2. The said Town of Iberville shall be bounded as follows, that is to say: On the west by the middle of the river Richelieu; on the north for a distance of about seventeen arpents, by a lot of land belonging to William McGinnis, Esquire, and for a distance of about seven arpents, by a lot of land belonging to Vincent Thuot, continuing in a straight line from west to east; on the east by the west side of the line of the second concession of the Seigniory De Bleury; on the south by a lot of land belonging to John Miller.

Mayor and Councillors to be elected.

3. There shall be elected, from time to time, in the manner hereinafter mentioned, a fit and proper person who shall be and be called the Mayor of the Town of Iberville, and six fit persons who shall be and be called the Councillors of the Town of Iberville; and such Mayor and Councillors for the time being shall form the Council of the said Town, and shall be designated as such, and shall represent for all purposes whatsoever the Corporation of the Town of Iberville.

Qualification of Mayor.

4. 1. No person shall be capable of being elected Mayor of the Town of Iberville, unless he shall have been a resident householder within the said Town for one year before such election, nor unless he be possessed to his own use, in his own name or in the name of his wife, of real estate, within the said Town, of the value of one thousand dollars, after payment or deduction of his just debts;

Qualification of Councillors.

2. No person shall be capable of being elected a Councillor of the said Town, unless he shall have been a resident of the said Town for one year before such election, nor unless he be possessed to his own use, in his own name or in the name of his wife, of real estate, within the said Town, of the value of four hundred dollars, after deduction of his just debts;

Further qualifications.

3. No person shall be capable of being elected Mayor or Councillor of the said Town of Iberville, unless he be a natural-born or naturalized subject of Her Majesty, and of the full age of twenty-one years;

Who may not be Mayor or Councillor.

4. No person being in Holy Orders, or the Ministers of any religious belief whatever, the Members of the Executive Council, nor Judges of the Court of Queen's Bench or of the Superior Court, Sheriffs or officers of any of the said Courts, nor officers on full pay in Her Majesty's army or navy, or salaried civil officers, nor any person accountable for the revenues of the said Town, or receiving any pecuniary allowance from the Town for his services, nor any officer or person presiding at the election of the Mayor or the Councillors, while so employed, nor any person who shall have been convicted of treason or felony in any Court of law within any of Her Majesty's dominions, nor any person having in person or through his partner any contract whatever, or interest in any contract with or for the said Town, shall be capable of being elected Mayor or Councillor for the said Town; Provided always, that no person shall be held incapable of being elected Mayor or Councillor for the said Town, from the fact of his being a shareholder in any incorporated Company, which may have a contract or agreement with the said Town;

Proviso.

Who shall not be bound to accept the said offices.

5. The following persons shall not be obliged to accept the office of Mayor or Councillor of the said Town, nor any other office to be filled by the Council of the said Town, viz: Members of the Provincial Legislature, practising Physicians, Surgeons and Apothecaries, Schoolmasters actually engaged in teaching, persons over sixty years, and the Members of the Council of the said Town, at the time of commencement of the present Act, or who have been so within the two years next preceding, and the persons who shall have fulfilled any of the offices under such Council, or paid the penalty incurred for refusal to accept such office, shall be exempt from serving in the same office, during the two years next after such service or payment.

Who may vote at elections.

6. The persons entitled to vote at the Municipal Elections of the said Town shall be the male inhabitant freeholders and householders of the age of twenty-one years, and residing therein, possessed at the time of real property in the said Town, of the yearly value of four dollars, and tenants of the age of twenty-one years, who shall have resided in the said Town, and paid rent during the year immediately preceding the election, on a dwelling-house or part of a dwelling-house, at the rate of not less than eighteen dollars currency per annum;

Proviso: voter must have paid his taxes, and the re-

Provided always, that no person qualified to vote at any Municipal Election in the said Town shall have the right of having his vote registered, unless he shall have paid his Municipal and School taxes due before such election; and it shall be lawful

for

for any candidate at the said election and the person presiding over the said election, to require the production of the receipts, setting forth the payment of such assessment so due as aforesaid. ceipt may be demanded.

6. The Mayor and Councillors of the said Town who are at present in office, shall remain in office until the elections which are to take place by virtue of this Act, and all By-laws, ordinances, agreements, dispositions and engagements whatever, passed and entered into by the Municipal Council of the Village of Christieville, shall continue to have full and entire force to all intents and purposes as though this Act had never been passed, and until such time as the said By-laws, agreements or engagements shall be formally rescinded, abolished or fulfilled, and the said Corporation, as constituted under this Act, shall succeed and be substituted for all purposes whatsoever, in the engagements, rights and trusts of the Municipal Council of the Village of Christieville, as heretofore constituted. Mayor and Councillors now in office to remain until elections are held under this Act. Present By-laws to remain in force until altered, &c.

7. The municipal elections for the said Town, in virtue of this Act, shall be held in the month of January in each year, and public notice thereof shall be given at least eight days previous to such election in the French language, by notices posted up at the doors of the churches, and in the market of the said Town, and read at the door of the Catholic Church in the said Town, at the issue of Divine service in the morning of the Sunday preceding the election; and the said notice shall be signed for the first election in virtue of this Act, by the Registrar of the County of Iberville, whose duty it shall be to preside at the said first election, and for all subsequent elections, the said notice shall be signed by the Mayor or the Secretary-Treasurer of the said Council, and shall specify the day, place and hour upon which the said elections are to take place. When the municipal elections shall be held: notice thereof. Who shall preside.

8. It shall be the duty of the Registrar of the County of Iberville to preside at the election which shall take place in the month of January next, and the poll shall be open for the reception and registration of votes from nine of the clock in the forenoon until four of the afternoon of the day appointed for the said election, provided the election shall not have taken place by acclamation; and at the said election each elector shall be entitled to vote for six Councillors, and shall be entitled at the same time to vote for a Mayor of the said Town; and at the closing of the poll, the said Registrar shall declare the six persons who shall have obtained the greatest number of votes as Councillors to be duly elected Councillors of the said Town, and the person who shall have obtained the greatest number of votes as Mayor to be duly elected Mayor of the said Town, and in case the candidates have an equal number of votes, the Registrar shall give his casting vote: Registrar to preside at the first election. Mode of voting. Mayor to be elected at the same time, &c. Casting vote in case of a tie.

2. If the votes of all the electors present have not been polled by the hour of four in the afternoon of the first day of the said meeting, Voting may continue two

days if one be insufficient.

meeting, the person presiding shall adjourn the proceedings thereof to the hour of nine in the forenoon of the following day, when he shall continue to take down the votes; and he shall close the election at the hour of four in the afternoon of the second day and shall then declare duly elected Councillors and Mayor, such of the candidates as shall be entitled to be so declared elected;

Poll to be closed if no vote be given for one hour.

3. Provided always, that if at any time after the votes have commenced to be polled, either on the first or on the second day of the said election, one hour elapse without any vote being polled, it shall be the duty of the person presiding to close the said election and declare duly elected as Councillors and Mayor, such candidates as shall be entitled to be so declared elected; Provided also, that no person shall have been within the last hour prevented from approaching the poll by violence, of which notice shall have been given to the person presiding:

Proviso.

Duration of office of Mayor and Councillors

4. The Mayor shall be elected for one year only, and shall remain in office until his successor shall have been appointed; the Councillors elected at any of the Municipal elections shall remain in office during two years, except those who shall have been elected at the first election, of whom three shall retire from office at the expiration of the first year, and it shall be declared by lot in the manner established by the Council, which of the Councillors shall thus retire from office at the end of the first year;

How subsequent elections shall be conducted.

5. The subsequent annual elections of a Mayor and of three Councillors for the said town shall take place in the same manner and within the same delays as the first, with the exception, however, that the said elections, instead of being presided over and conducted by the Registrar, shall be so by one of the members of the Council, who shall not retire from office, and who shall be appointed by the Council one month previous to the time fixed for the said election, and the said Councillor shall make a proclamation of the persons elected in the same manner, at the same hour, and in the same place as the Registrar for the first election, and the said Councillor, for all purposes relating to elections, shall have the same powers and the same duties as the Registrar for the first election;

Powers of persons presiding and his deputies.

6. The person who shall preside at an election shall, during such election, be a conservator of the peace, and shall be invested with the same powers for the preservation of the peace, and the apprehension, imprisonment, holding to bail, trying and convicting violators of the law, as are vested in the Justices of the Peace, and this, whether the said person presiding do or do not possess the property qualification of a Justice of the Peace, as required by law, and it shall be lawful for the person so presiding to appoint special constables in sufficient numbers to preserve peace at the said election, if he shall think it necessary or be required so to do by five electors.

9. 1. The person presiding at any such election shall, within two days from the closing of the election, give to the Mayor and each of the Councillors so elected, special notice of their said election, as well as of the place, the day, and the hour appointed by him for the first meeting of the Council to take place after their said election; the Mayor and Councillors so elected shall enter respectively into office as such, at the said first meeting, and shall remain in office until the appointment of their successors: Notice of first meeting of Council. Entry into office.

2. The person so presiding at any such election shall deliver up immediately to the Secretary-Treasurer of the Town Council, if such officer exist, and if not, then as soon as the said officer shall be appointed, the Poll Books kept at such Election, together with all other papers and documents relating to the said election, certified by himself, to form part of the records of the said Council, and copies of the same, certified by the Secretary-Treasurer, shall be valid in any Court of Justice; Poll books, &c., to be delivered up to the Secretary-Treasurer, &c.

3. The first session of the Council, after the first election, shall take place within eight days immediately following the said election, and at such meeting the Mayor and Councillors elected shall take the following oath before a Justice of the Peace: First sitting: Mayor and Councillors to take oath of office.

"I, A. B., do solemnly swear faithfully to fulfil the duties of "member of the Council of the Town of Iberville, to the best "of my judgment and ability: So help me God." The oath.

And the members then present, provided they form a majority of the Council, shall be authorized to act as the Council, and all members absent without just cause shall be held to have refused the office, and shall be liable to the fine hereinafter provided for in like cases, unless they be persons who are exempted from serving; Majority then present may act, others to be fined.

4. The Mayor and Councillors elected at the elections subsequent to the first, shall enter into office on the day of their nomination, and a meeting of the Council shall take place within eight days after, in the same manner as after the first election, and the Mayor and Councillors elected shall take the same oath, and those absent without just cause shall be held to have refused the office, and shall be liable to the penalty hereinafter provided in such cases, unless they be persons who are exempted from serving; When the Mayor elected after first election shall go into office.

5. Four members of the Council shall constitute a quorum; Quorum.

6. The expenses of every election shall be defrayed out of the funds of the Corporation. Expenses.

10.

In case the Mayor or Councillors refuse to act.

10. 1. In any case in which one of the persons elected shall refuse to act as Mayor or Councillor, or in case his election being contested shall be declared null, the electors of the town shall proceed to a new election, and elect a person to replace the said Councillor within one month after the said refusal shall have been made known, or that the said election shall have been declared null; and if it be the Mayor who shall refuse to accept, or whose election shall have been declared null, the electors of the town shall proceed to a new election for such Mayor, within the same delay, and in that case the poll shall be held at the town hall, or office of the town only, and the said election shall be conducted in the same manner as annual elections:

If the Mayor refuses, &c.

In case of the absence, death or incapacity of Mayor or Councillors.

2. In case of the death of the Mayor or a Councillor, or in case of his absence from the town, or incapacity of acting as such, either from infirmity, sickness, or any other cause, during three calendar months, the other Councillors, at the first meeting of the Council which shall take place after such decease, or at the expiration of the said period of three months, shall appoint from amongst the inhabitants of the town another Mayor or Councillor to replace the Mayor or Councillor so deceased, absent, or rendered incapable, as above mentioned: Provided however, that notwithstanding the decease, absence, or inability to act, of the said Mayor, or the said Councillor, the remaining Councillors shall continue to exercise the same powers and fulfil the same duties which they would have had to exercise or fulfil, had not such decease, absence or inability to act on the part of the said Mayor or Councillor, taken place;

Proviso: remaining Councillors empowered to act.

Duration of office.

3. Every Mayor or Councillor so elected or appointed to replace another, shall remain in office for the remainder of the time for which his predecessor had been elected or appointed, and no longer.

Presiding officer at election to take oath.

11. Before any person shall proceed to hold an election in conformity with this Act, he shall take the following oath, which any Justice of the Peace residing in the said town is hereby authorized to administer, that is to say:

The oath.

"I do solemnly swear that I will faithfully and impartially, "to the best of my judgment and ability, discharge the duties "of Presiding Officer at the election which I am about to hold "for persons to serve as members of the Town Council of Iber- "ville: So help me God."

Presiding officer to examine candidates upon oath as to qualification, if required so to do.

12. The officer presiding at any election under this Act shall have authority, and he is hereby required, at the request of any persons qualified to vote at such election, to examine on oath (*or* affirmation, *when the party is allowed by law to affirm*) any candidate for the office of member of the said Town Council, respecting his qualification to be elected to the said office; and

and shall also have authority, and he is hereby required, upon such request as aforesaid, to examine upon oath (*or* affirmation), any person tendering his vote at any election, and the oath to be administered by the presiding officer in both cases shall be in the form following :

The oath.

" You shall true answer make to all questions put to you by " me in my capacity of Presiding Officer at this election, res- " pecting your qualification to be elected a member of the " Town Council, (*or* respecting your qualification to vote at " this election, *as the case may be*) : So help you God."

May put other questions.

And the presiding officer shall himself put the questions which he shall deem necessary.

False swearing to be perjury.

13. If any person being examined upon oath or affirmation under this Act as to his qualification to be elected or to vote, shall wilfully forswear himself, he shall be deemed guilty of wilful and corrupt perjury, and on conviction thereof, shall be subject to the same penalties as in other cases of wilful and corrupt perjury.

Times and places of meeting of the Council.

14. The said Town Council shall meet at least once in each month for the transaction of the business of the said town, and shall hold their sittings in the Town Hall or in any other place in the said town which shall have been set apart for the purpose, either temporarily or permanently ; Provided always, that one or several members, not sufficient to form a quorum, may adjourn any meeting of the Council which may not have taken place for want of a quorum, and such members, though not forming a quorum, are hereby authorized to compel the attendance of absent members at the regular or adjourned meetings as aforesaid, and to impose such penalties upon such absent members for a repetition of the offence, as may be provided by any By-law of the said Town Council for that purpose.

Proviso : as to adjournments and penalties for non-attendance.

Mayor may call special meetings.

15. It shall be lawful for the Mayor of the said Town, whenever he shall deem it necessary or useful, to call special meetings of the said Council, and whenever two members shall be desirous of obtaining such special meetings, they shall apply to the Mayor to call such meeting, and in the absence of the Mayor, or on his refusal to act, they may call such meeting themselves, on stating in writing to the Secretary-Treasurer of the said Council, their object in calling such special meeting, and the day on which they are desirous that it shall be held ; and the said Secretary-Treasurer shall, upon receipt of such written notification, communicate the same to the other members of the Council.

And in case of his absence or refusal.

Decision of contested elections by Circuit Court.

16. 1. If the election of all, or of one or more of the Councillors be contested, such contestation shall be decided by the Circuit Court in and for the District of Iberville :

2.

Who may contest;

2. Every such election may be so contested by one or more of the candidates, or at least ten of the electors of the said town.

And how.

3. The said contestation shall be brought before the Court by a petition signed by the petitioner or petitioners, or by any Attorney duly authorized, setting forth in a clear manner the grounds of such contestation;

Form of proceedings.

4. A true copy of the petition, with a notice stating the day on which the said petition will be presented to the Court, shall be first duly served upon the Mayor, Councillor or Councillors whose election is contested, at least eight days before the day on which the said petition shall be presented to the Court; and a return of the service shall be drawn up and signed in due form upon the original of the said petition, by the Bailiff who shall have made such service; but no such petition shall be received after the term next following the election thereby contested, unless such election took place within the fifteen days next preceding the first day of such term, in which case any such petition may be presented on the first day of the second term, but not later; nor shall any such petition be received unless security for costs be given by the petitioners in the presence of a judge of the Superior Court, or of the Clerk of the Circuit Court for the said District of Iberville, or his Deputy:

Time for contesting limited.

Court may proceed in a summary manner.

5. If the Court be of opinion that the grounds set forth in the petition are sufficient in law to void the election, it shall order proof to be adduced, if proof be necessary, and the parties interested to be heard, on the nearest day which it shall deem expedient, and shall proceed in a summary manner to hear and decide the said contestation; the evidence may be taken down in writing or given orally in whole or in part, as the Court shall order;

Evidence.

What may be declared by the judgment.

6. The Court may, on such contestation, confirm the election or declare the same to be null and void, or declare another person to have been duly elected, and may, in either case award costs to or against either party, which costs shall be taxed and recovered in the same manner, and by the same means, as costs are taxed and recovered in actions of the first class, with right of appeal, brought in such Circuit Court: and the Court may order its judgment to be served upon the Secretary-Treasurer of the Council, at the expense of the party condemned to payment of costs, as aforesaid;

With respect to defects or irregularities.

7. If any defect or irregularity in the formalities prescribed for the said election be set forth in any such petition, as a ground of contestation, the Court may admit or reject the objection, according as such defect or irregularity may or may not have materially affected the election.

In case any annual muni-

17. In case it shall at any time happen that an Annual Municipal Election shall not be held, for any reason whatever,

on

on the day when, in pursuance of this Act, it ought to have been held, the said Town Council shall not, for that cause be deemed to be dissolved, and it shall be the duty of such members of the said Council as shall not have retired from office to meet again, for the purpose of fixing as early as possible a day for the holding of such Annual Municipal Election; and in such case, the notices and publications required by this Act shall be published and posted up not less than one clear day before the election; and if within fifteen days after the day on which such election ought to have been held, the members of the said Council shall have neglected to appoint a day for such election, they shall be liable to a fine of twenty dollars each, and such election shall then be held by the Registrar; And if it be the first election which has not taken place, then it shall be the duty of the Registrar to have it take place within the shortest possible delay.

cipal election shall not be held.

18. The said Council shall have power to punish by imprisonment not exceeding fifteen days, or by a fine which shall not exceed, but may be less than forty dollars currency, any Councillor who may be guilty of serious disturbance or violence during its sittings, either by action, by word or in any other manner whatsoever.

Power to Council to impose penalties and imprisonment.

19. All meetings of the said Council shall be public, excepting only when the said Council shall inquire into the conduct of any members of their own body, for any causes whatsoever, in which case it shall be lawful for the said Council to sit with closed doors; And the said Council shall determine the mode of their proceedings, and shall have power to cause order to be observed by persons present during their sittings, and to punish by fine and imprisonment, or by one or the two, any contempt committed by any such persons present; Provided always, that no such fine shall exceed the sum of twenty dollars currency, and that no such imprisonment shall exceed the period of fifteen days.

Meetings to be public.

Certain other powers of Council.

Contempts.

Proviso.

Fines limited.

20. The Sheriff and Gaoler of the District of Montreal, and those of the District of Iberville, when there shall be a Gaol in the latter District, shall be bound, and they are hereby authorized and required to receive and safely keep until duly discharged, all persons committed to their charge by the said Town Council, or any member or officer thereof under the authority thereof.

Duties of Sheriff and Gaoler.

21. The Mayor of the said Town, if he is present, shall preside at the meetings of the Council, shall maintain order thereat, and shall have a right to express his opinion, but not to vote, on all questions which shall be brought before the said Council; Provided always, that when the said Councillors, after having voted on any question, shall be found to be equally divided, then, and in that case only, the Mayor shall decide the

Mayor to preside at Council meetings, and to have casting vote, but neither he nor the Councillors to have any pay as such.

the question by his vote, giving his reasons for it if he thinks proper; and neither the Mayor nor the Councillors shall receive any salary or emoluments from the funds of the town during the time they shall remain in office; Provided also, that whenever the Mayor shall not be present at any regular or special meeting of the said Town Council, the Councillors present shall choose one of their number to fill the place of the Mayor during the sitting.

Proviso.

Secretary-Treasurer appointed.

22. 1. The Council at its first general meeting, or at a special meeting, held within fifteen days, which shall follow the first day of such general meeting, shall appoint an officer who shall be called the "Secretary-Treasurer of the Town of Iberville:"

Duties of Secretary-Treasurer.

2. The Secretary-Treasurer shall be the custodier of all the books, registers, valuation rolls, collection rolls, reports, *procès-verbaux*, plans, maps, records, documents and papers kept or filed in the office or archives of the Council; he shall attend all sessions, and shall enter, in a register kept for the purpose, all the proceedings of the Council, and he shall allow persons interested therein to inspect the same at all reasonable hours;

His certificate to make certain documents authentic.

and every copy or extract of or from any such book, register, valuation roll, collection roll, report, *procès-verbaux*, plan, map, record, document or paper, certified by such Secretary-Treasurer, shall be deemed authentic;

Security to be given by him.

3. Every person appointed Secretary-Treasurer shall, before acting as such, give the security hereinafter mentioned;

Sureties, and for what bound.

4. He shall furnish two sureties, whose names shall be approved by a resolution of the Council, before they shall be admitted as such; all such sureties shall be jointly and severally bound together with the Secretary-Treasurer, and their obligation shall extend to the payment of all sums of money for which the Secretary-Treasurer may at any time be accountable to the Corporation, including principal, interest and costs, as well as the penalties and damages to which he shall become liable in the exercise of his office;

Security bonds.

5. Every such security bond shall be made by an Act before a Notary, and accepted by the Mayor, and it shall be the duty of the Secretary-Treasurer to transmit to the Mayor a copy of the same;

To be registered: and its effects when registered.

6. Every such security bond, when duly registered in the registry office for the County of Iberville, shall carry with it a hypothec (*hypothèque*) only on such immoveable property as shall have been therein designated; and it shall be the duty of the Chief Officer of the Council to cause it to be registered immediately on receipt thereof;

7.

7. The Secretary-Treasurer of the Council shall receive all moneys due and payable to the Corporation, and he shall pay out of such moneys all drafts or orders drawn upon him by any person thereunto authorized by this Act, for the payment of any sum to be expended or due by the Municipality, whenever thereunto authorized by the Council, but no such draft or order shall be lawfully paid by the said Secretary-Treasurer, unless the same shall shew sufficiently the use to be made of the sum mentioned in such draft or order, or the nature of the debt to be paid thereby; The Secretary-Treasurer shall receive and pay out the moneys of the Corporation.

8. The Secretary-Treasurer shall keep in due form books of account in which he shall respectively enter each item of receipt and expenditure, according to dates, mentioning at the same time the names of the persons who have paid any moneys into his hands or to whom he has made any payment respectively, and he shall keep in his office the vouchers for all expenditure; Shall keep the books.

9. The Secretary-Treasurer shall render to the Council every six months, that is to say, in the months of June and December in each year, or oftener if required by such Council, a detailed account of his receipts and expenditure, attested by him under oath; To render attested accounts.

10. The Secretary-Treasurer's books of account and vouchers shall, at all reasonable hours of the day, be opened for inspection, as well to the Council as to each of the members thereof, and the Municipal Officers by them appointed, or to any person liable to assessment in the town; Books to be open to public.

11. The Secretary-Treasurer, or any other person who shall have filled the said office, may be sued by the Mayor in the name of the Corporation, before any tribunal of competent jurisdiction, for having failed to render an account, and in any such action he may be condemned to pay damages and interest for having failed to render such account; and if he renders an account, he shall be condemned to pay such balance as he shall acknowledge or declare to have in his hands, together with such other sums as he ought to have debited himself with, or as the Court shall think he ought to be held accountable for; and every judgment pronounced in any such suit shall include interest at twelve per cent. on the amount thereof by way of damages, together with the costs of suit; He may be sued by the Mayor in the name of the Corporation. Damages in such suit.

12. Every such judgment shall carry *contrainte par corps* against the said Secretary-Treasurer, according to the laws in force in like cases in Lower Canada, if such *contrainte* be demanded in the action to compel the rendering of the said account; *Contrainte par corps.*

Power of Council to appoint officers.

13. The Council shall have power and authority to appoint such other officers as may be necessary for carrying into effect the provisions of this Act, or of any By-law or Regulation of such Council;

Officers retiring—their duties.

14. Every Municipal Officer, whether elected or appointed, shall, within eight days from the day on which he shall cease to hold such office, deliver to his successor, if he be then elected or appointed, or if not, then within eight days after the election or appointment of such successor, all moneys, keys, books, papers and insignia belonging to such office;

In case of death or absence from Lower Canada.

15. If any such officer die or absent himself from Lower Canada, without having delivered up all such moneys, keys, books, papers and insignia, it shall be the duty of his heirs or other legal representatives to deliver the same to his successor within one month from his death, or from his departure from Lower Canada;

His successor to have a right of action for certain purposes.

16. And in every such case the successor in office of every such officer shall, besides all other legal remedies, have a right of action before any Court of Justice, either by *saisie revendication*, or otherwise to recover from such officer or from his legal representatives, or any other person in possession of the same, all such moneys, keys, books or insignia, together with costs and damages in favor of the corporation; and every judgment rendered in every such action may be enforced by *contrainte par corps* against the person condemned, according to the laws in force in such cases in Lower Canada, each time the said *contrainte* is demanded by the declaration.

Assessors to be appointed: their duties.

23. The said Town Council shall have power, whenever they may deem it advisable, to appoint three assessors or valuators of property, and it shall be the duty of the said assessors to estimate the rateable property in the said town according to its real value, and in the manner and within the periods which shall be fixed by the said Town Council.

Assessors to take oath.

24. Every person so appointed assessor shall be bound, before proceeding to the valuation of any property in the said town, to take the following oath before the Mayor of the said town, or in his absence, before a Councillor, to wit:

The oath.

"I, , having been appointed one of the assessors "of the Town of Iberville, do solemnly swear, that I will duly "gently and honestly discharge the duties of that office to the "best of my judgment and ability: So help me God."

Real property qualification of Assessors.

25. The assessors who shall be appointed for the said Town shall be proprietors of real estate in the said Town of the value of at least six hundred dollars currency of this province.

26. When the assessors shall have made a valuation of all the rateable property of the said town, they shall deposit the assessment roll with the Secretary-Treasurer of the said Town, and notice of such deposit shall be given by the Secretary-Treasurer in the same manner as notice of an election of Councillors; And at the next ensuing meeting of the said council, the said assessment roll shall be produced, and, if they desire it, examined by the Councillors; and the assessment roll shall be deposited in the office of the Secretary-Treasurer for the period of one month, dating from such meeting; and during that period it shall remain open to the inspection of all persons whose property shall have been estimated, or their representatives; and within that period, persons considering themselves aggrieved may give notice in writing to the Secretary-Treasurer of their intention to appeal to the said Town Council, complaining of any excessive valuation, and such appeal shall be tried by the said council, at the first meeting which shall be held after the expiration of the month above mentioned; and the said Council, after having heard the parties and their witnesses under oath, which shall be administered by the Mayor or presiding Councillor, shall confirm or alter the valuation, the change whereof shall have been prayed for, as to them shall seem just; and at the same meeting the said assessment roll shall be declared closed for two years; unless, however, from the number of appeals, the council shall be compelled to adjourn, in which case the said assessment roll shall not be declared closed until all the appeals shall have been heard and determined; Provided always, that if, after the said assessment roll shall have been declared closed as aforesaid, any property in the said Town should suffer any considerable diminution in value, either through fire, demolition, accident or any other reasonable cause, it shall be lawful for the said Council, upon the petition of the proprietor, to instruct the assessors to reduce their valuation of such property to its then actual value; And provided also, that if any omission shall have been made in the said assessment roll, the said Council may order the assessors to value any property so omitted, in order to its being added to the roll; And provided also, that the said assessors shall, when directed by the said Council, make a yearly valuation of the stocks of merchandise held in the said Town.

Proceedings of Council upon deposit of Assessment Roll.

Proviso: as to diminution in value.

Proviso: as to omissions.

Proviso.

27. At the first meeting after each Annual Municipal Election, two persons shall be appointed by the said Town Council to be Auditors of the accounts of the said Council; and such Auditors shall take the following oath, before any one of the Justices of the Peace, residing in the said town, that is to say:

Two Auditors of accounts to be appointed and sworn.

"I, , having been appointed to the office of Au- The oath.
"ditor of the Town of Iberville, do hereby swear, that I will
"faithfully perform the duties thereof, according to the best of
"my judgment and ability; and I do declare that I have not
"directly or indirectly any share or interest whatever in any
"contract

" contract or employment with, by, or on behalf of the Town " Council of the said Town of Iberville : So help me God."

Duty of Auditors.

28. It shall be the duty of the Auditors to examine, approve or disapprove of and report upon all accounts which may be entered in the books of the said Council or concerning them, and which may relate to any matter or thing under the control of, or within the jurisdiction of the said Town Council, and may then remain unsettled ; and to make their report to the Council of the said town, at least fifteen days before the day of the elections.

Real property qualification of Auditors.

Proviso : certain parties disqualified.

29. The Auditors who shall be appointed for the said Town, shall be proprietors of real estate therein of the value of at least four hundred dollars currency ; Provided always, that neither the Mayor, Councillors, Secretary-Treasurer of the said Town, nor any person receiving any salary from the said Council, either for any duty performed under their authority, or on account of any contract whatsoever entered into with them, shall be capable of discharging the duties of Auditor for the said Town.

Mayor to be Justice of the Peace.

Proviso.

30. The Mayor of the said Town shall, during the period of his office, be a Justice of the peace ; Provided always, that he shall not be bound to take any other oath than the official one to act as such ; any law to the contrary notwithstanding.

In what cases Councillors shall become disqualified.

Vacancy to be filled.

Proviso.

31. Every person holding the office of Councillor of the said town, who shall be declared a bankrupt, or shall become insolvent, or who shall apply for the benefit of any of the laws made for the relief or protection of insolvent debtors, or who shall enter into holy orders, or become a minister of religion in any religious denomination, or who shall be appointed a judge or clerk of the Court of Queen's Bench, or of the Superior Court or a member of the Executive Council, or who shall become responsible for the revenues of the Town, in whole or in part, or who shall absent himself from the said Town, without the permission of the said Council for more than three consecutive months, or who shall not be present at the meetings of the said Council for a period of two consecutive months, shall, by virtue of any one of these clauses, become disqualified, and his seat in the said Council shall become vacant, and such person shall be replaced in accordance with the provisions of this Act ; Provided always, that the word "Judge" employed in any part of this Act shall not apply to a Justice of the Peace.

Town Council may make By-laws for certain purposes.

32. It shall be lawful for the said Town Council, from time to time, to make such By-laws as may seem to them necessary or expedient for the internal government of the Town, for the improvement of the place, for the maintenance of peace and good order, and for the good repair, cleansing, and draining of the streets, public squares, and vacant or unoccupied lots ;

for

for the prevention or suppression of all nuisances whatsoever, for the maintenance and preservation of the public health, and generally for all purposes connected with, or affecting the internal management or government of the said Town.

May appoint and remove officers.

33. It shall be lawful for the said Town Council to appoint, remove, and replace, when they shall think proper, all such officers, constables, and policemen as they shall deem necessary for the due execution of the By-laws now in force, or to be by them enacted hereafter, and to require from all persons employed by them, in any quality whatsoever, such security as to them shall seem meet to ensure the due execution of their duties.

Council may levy taxes;

34. In order to raise the necessary funds to meet the expenses of the said Town Council, and to provide for the several necessary public improvements in the said Town, the said Town Council shall be authorized to levy annually on persons, and on moveable and immoveable property in the said Town, the taxes hereinafter designated, that is to say :

Upon real property;

1. On all lands, town lots, and parts of town lots, whether there be buildings erected thereon or not, with all buildings and erections thereon, a sum not exceeding one cent in the dollar on their whole value, as entered on the Assessment Roll of the said Town :

And upon certain moveable property.

2. On the following moveable property, a sum not exceeding one half of a cent in the dollar at the value herein specified :

Every horse kept for covering mares shall be rated at four hundred dollars ;

Every horse kept for hire or gain, at sixty dollars ;

Every horse above the age of three years, and kept for domestic purposes at forty dollars ;

Every bull, at fifty dollars ;

Every ram, at twenty dollars ;

Every head of horned cattle, aged two years and more, at twenty dollars ;

Every covered carriage, with four wheels, at two hundred dollars ;

Every open carriage, with four wheels and two seats, at eighty dollars ;

Every curricle or light waggon, with one seat, at forty dollars ;

Every two horse sleigh, at eighty dollars ;

Every one horse sleigh, at forty dollars :

Proviso: certain personal property exempted.

Provided always, that every winter or summer vehicle used solely for drawing loads, and all vehicles commonly called draught or work vehicles, as well as all farm stock, and all implements used for agricultural purposes, shall be exempt from any tax whatever ;

Upon merchandize.

3. On all stocks in trade or goods kept by merchants or traders, and exposed for sale on shelves in shops or kept in storehouses, a tax of one half per cent on the estimated average value of such stocks in trade ;

Tenants.

4. On each tenant paying rent in the said Town, an annual sum equivalent to three cents in the dollar on the amount of his rent ;

Poll tax on male inhabitants.

5. On each male inhabitant of the age of twenty-one years who shall have resided in the said Town for six months, and not being a proprietor or tenant, nor an apprentice, nor a domestic servant, an annual sum of one dollar ;

Dogs.

6. On every dog kept by persons residing in the said Town, an annual sum of one dollar ;

On certain professions, trades, &c.

Public houses.

Pedlars.

Places of amusement.

Auctioneers and other traders.

Bankers.

Insurance Companies.

All callings whatever.

Workmen to be taxed in classes.

7. And it shall be lawful for the said Town Council to fix by a By-law or By-laws, and to impose and levy certain annual duties or taxes on the proprietors or occupants of houses of public entertainment, taverns, coffee-houses, and eating-houses, and on retailers of spirituous liquors ; and on pedlars and itinerant traders selling in the said Town articles of commerce of any kind whatsoever ; and on all proprietors, possessors, agents, managers, and keepers of theatres, circuses, billiard rooms, nine-pin alleys, or other places for games or amusements of any kind whatsoever ; and on all auctioneers, grocers, bakers, butchers, hawkers, carters, livery stable keepers, brewers and distillers ; and on all merchants and manufacturers, and their agents ; and on all proprietors or keepers of wood yards, or coal yards, and slaughter-houses, in the said Town ; and on all money-changers or exchange-brokers, pawnbrokers, and their agents, and on all bankers and banks and their agents, and on all insurance companies or their agents ; and generally on all commerce, manufactures, callings, arts, trades, and professions, which have been or which may be exercised in or introduced into the said Town, whether the same be or be not mentioned herein and the workmen of all mechanical arts and trades exercised in the said Town, shall be divided into

first and second classes, by the person appointed by the said Town Council to make the roll of moveable property, and shall be assessed at one dollar per annum for those of the first class, and at twenty-five cents for those of the second class; and every person in the said Town, practising the profession of a Lawyer, or of a Physician, or of a Land Surveyor, or of a Notary, or any other liberal profession, shall be assessed at the sum of three dollars annually; and the said Town Council may name a person or persons to make the roll of the persons and moveable property mentioned in the different parts of this section;

Lawyers, Doctors, &c.

Roll to be made.

8. And the said Council shall also have the power to fix the amount of personal commutation, that is to say: of the sum to be payable by each person liable to assist in keeping the streets and sidewalks of the said Town in repair, and to refuse the labor of such person in keeping the same in repair, if the said Council should prefer to charge itself therewith; Provided always, that every such sum demanded for personal composition shall be equitably established in proportion to the work to be done, and that by arbitration, if the parties concerned require it.

Commutation in respect to statute labor.

Proviso.

35. The said Council shall also have power to make By-laws:

Council may make By-laws with respect to—

1. For the concession of emplacements and for opening new streets in the common of the said Town, to such extent as may from time to time be required, and upon such conditions as the Council may deem proper, any law to the contrary notwithstanding;

Conceding lots and opening streets in the common.

2. For determining and regulating the duties of the Clerks of the markets in the said Town, and all other persons they may deem proper to employ to superintend the said markets; and for letting the stalls and other places for selling, upon and about the said market places; and for fixing and determining the duties to be paid by any persons selling on any of the said markets any provisions or produce whatever; and for regulating the conduct of all such persons in selling their goods; and to provide for the weighing or measuring, as the case may require, by the officers named for that purpose by the said Council, and on the payment of such fees as the said Council may think fit to impose on that behalf, of any thing or things sold or offered for sale on the said markets;

Clerks of markets and their duties.

Weighing and measuring.

3. For amending, modifying or repealing all By-laws made by the Municipal Councils who have had the management of the internal affairs of the said Town;

Amending By-laws.

4. For regulating and placing all vehicles in which any articles shall be exposed for sale on the said markets;

Vehicles on markets.

Sales in markets.

5. For preventing persons bringing provisions of any kind into the said Town, from selling or exposing them for sale in any other place than the markets of the said Town;

Cordwood, &c.

6. For regulating the weighing and measuring of all cordwood, coals, salt, grain, lime and hay, bought or sold in the said Town, by strangers or persons residing therein;

Weights and measures.

7. For determining in what manner the said articles and all others shall be sold and delivered, whether by quantity, measure or weight, and for obliging all persons to observe in the above matters the By-laws which the said Council shall hereafter deem useful to establish;

Obstructions.

8. For preventing obstructions of any nature whatsoever in streets;

Sales on public highways.

9. For preventing the sale on the public highway of any wares or merchandize whatsoever;

Sale of intoxicating liquors.

10. For restraining and prohibiting the sale of any spirituous, vinous, alcoholic or intoxicating liquor, or for authorizing such sale, subject to such restrictions as they may deem expedient;

19, 20 V. c. 101, s. 12.

Licenses.

11. For determining under what restrictions and conditions the Revenue Inspector of the District of Iberville shall grant Licenses to Merchants, Traders, Shopkeepers, Tavern-keepers and other persons to sell such liquors;

Sum payable.

12. For fixing the sum payable for every such License, provided that in any case it shall not be less than the sum which is now payable therefor, by virtue of the laws at present in force;

Regulation of shop-keepers.

13. For regulating and governing all Shop-keepers, Tavern-keepers, and other persons selling such liquors by retail, and in what places such liquors may be sold, in such manner as they may deem expedient to prevent drunkenness;

Sale of liquor to children, apprentices, &c.

14. For preventing the sale of any intoxicating beverage to any child, apprentice or servant;

Cruelty to animals.

15. For preventing the driving of vehicles at an immoderate pace in the said Town, or riding on horseback on the sidewalks of the said Town, or the barbarous or inhuman treatment of horses or other beasts, such as beating them excessively in order to oblige them to draw burdens of too great a weight;

Bread.

16. For regulating, fixing and determining the weight and quality of bread sold or offered for sale within the limits of the said Town;

17. For regulating the conduct and certain duties of apprentices, domestics, hired servants and journeymen in the said Town, and also certain duties and obligations of masters and mistresses towards such servants, apprentices and journeymen; Servants and apprentices.

18. To prevent the keeping of gaming-houses, places for gambling or any description of houses of ill-fame in the said Town; Gaming houses.

19. To establish as many public pounds as the said Council shall deem expedient to open for the impounding of animals of any species which may be running at large in the said Town; Pounds.

20. For regulating, arming, lodging, clothing and paying a Police Force in the said Town, and for determining their duties; Police.

21. For fixing and regulating the places in which interments may take place within the said Town; for compelling the taking up of any body interred within the said limits contrary to this provision; Provided always, that this paragraph shall not extend to prevent interments in the churches in the said Town; Interments. Proviso.

22. To compel the proprietors of all land and real property within the said Town, their agents or representatives, to enclose the same; and to regulate the height, description and material of every such enclosure; and to make footways, if the Council should think fit to do so; Enclosures.

23. To compel the proprietors or occupants of lots of land in the said Town, having stagnant or filthy water upon them, to drain or raise such lands, so that the neighbors may not be incommoded, nor the public health endangered thereby; and in the event of the proprietors of such lands being unknown, or having no representative or agent in the said Town, it shall be lawful for the said Council to order the said lands to be drained or raised, or to fence in and enclose them at their cost, if they are not already fenced in and enclosed; and the said Council shall have a like power if the proprietors or occupiers of such lands are too poor to drain, raise or fence in the same; and in every case the sum expended by the said Council in improving such lands, shall remain as a special hypothec on such land, and have privilege over all other debts whatsoever, without it being necessary to register the same; Draining and fencing of lands.

24. To oblige all proprietors or occupants of houses in the said Town, to remove from the streets all encroachments or obstructions of any sort, such as steps, galleries, porches, posts or other obstacles whatsoever; Encroachments.

25. To cause to be pulled down, demolished and removed, when necessary, all old or dilapidated walls, chimneys and buildings of any description that may be in a state of ruin, and Old and ruinous buildings.

to

to cause to be removed from the streets all sheds, stables, and other outbuildings erected on the level of any street, and to determine the time and manner in which the same shall be pulled down, demolished or removed, and by whom the expense thereof shall be borne ;

Width of streets.

26. For regulating the width of streets to be opened hereafter in the said Town ; for regulating and altering the height or the level of any street or side-walk in the said Town ; Provided, that if any person shall suffer real damage by the widening, lengthening or altering the level of any street in the said Town, such damage shall be paid to such person, after having been assessed by arbitrators, if any of the parties shall require it ;

Water and gas.

27. For defraying out of the funds of the said Town the expenses of furnishing the citizens with water, and of lighting the said Town with gas, or in any other manner, and for obliging the proprietors of real property in the said Town to allow the necessary works to be performed for such objects on their respective properties, and for obliging all proprietors to allow the necessary pipes, lamps and posts to be fixed upon their houses; Provided always, that in all such cases the expense of all such pipes, lamps and other necessary works shall be defrayed by the said Council; And provided also, that the solidity of the buildings on and near to which they shall be so placed, shall be in no wise affected, and that any damage that may be caused shall be paid by the said Council, and that every proprietor shall be indemnified by the said Council;

Proviso.

Proviso.

Common sewers.

28. For assessing the proprietors of real property situate on any of the streets of the said Town, for such sum as shall be deemed necessary for making or repairing any common sewer in any of the streets of the said Town, such assessment being in proportion to the assessed value of such property; and for regulating the mode in which such assessment shall be collected and paid.

Sweeping and watering, &c.

29. For assessing, at the request of the majority of the citizens residing in any of the streets or public squares of the said Town, all the citizens residing in such street or public square, in any sums necessary to meet the expense of sweeping, watering and keeping clean such street or public square, and for removing the snow from any such street, lane or public place, such assessment being in proportion to the assessed value of their property ;

Damages from riots and tumults.

30. To assess, over and above all other rates specially established by this Act, all the citizens of the said Town, to meet the expenses of any indemnity which the said Council might be obliged to pay to persons in the said Town, whose houses or buildings of any description might be destroyed or damaged by any riot or tumultuous assembly ; and if the said Council shall neglect or refuse within six months after such destruction

or

or damages caused to any property in the said Town, to pay a reasonable indemnity to be established by arbitrators, if one of the parties shall so desire, then the said Council shall be liable to be sued for such damage in one of the Courts of Justice of this Province ;

31. To fix the place for the erection of any manufactories or machinery worked by steam in the said Town ; Steam engines.

32. For establishing a Board of Health, and investing them with all the privileges, power and authority necessary for the fulfilment of the duties entrusted to them, or for acquiring every useful information on the progress or general effects of all contagious diseases, or for making such regulations as such Board of Health shall deem necessary for preserving the citizens of the Town from any contagious diseases, or for diminishing the effects or the danger thereof. Contagious diseases.

36. For the better protection of the lives and property of the inhabitants of the said Town, and for more effectually preventing accidents by fire, the said Council may make By-laws for the following purposes, that is to say: Prevention of accidents by fire.

1. For regulating the construction, dimensions, height and elevation of chimneys above the roofs, or even in certain cases above the neighboring houses and buildings; and at whose costs such chimneys shall be raised, and within what delay they shall be raised or repaired ; Chimneys.

2. For defraying out of the funds of the said Town any expenses that the Council shall deem necessary to incur for the purchase of fire engines or apparatus of any kind to be used at fires, or for taking such means as shall appear to them most effective for preventing accidents by fire, or arresting the progress of fires ; Fire engines.

3. For preventing thefts and depredations which may be committed at any fire in the said Town, and for punishing any person who shall resist or maltreat any member or officer of the said Council, in the execution of any duty assigned to him by the said Council under the authority of this section ; Thefts at fires.

4. For establishing or authorizing and requiring to be established after each fire in the said Town, a judicial enquiry into the cause and origin of such fire, for which purpose the said Council or any Committee thereof, authorized to the effect aforesaid, may summon and compel the attendance of witnesses and examine them on oath, which oath shall be administered to them by any of the Members of the said Council or of such Committee; and the said Council or Committee may also deliver over to be imprisoned in the common gaol of the district, any person against whom well grounded cause of suspicion Enquiring into causes of fires.

suspicion may be found of his having maliciously originated the said fires;

Sweeping of chimneys.

5. For regulating the manner in which and the periods of the year when chimneys shall be swept, and for granting licenses to such numbers of chimney sweeps as the said Council shall think proper to employ, and for obliging all proprietors, tenants or occupants of houses in the said Town to allow their chimneys to be swept by such licensed chimney sweeps; and for fixing the rates to be paid for sweeping chimneys, either to the Council or such licensed chimney sweeps; and for imposing a penalty of not less than one dollar nor more than five dollars on all persons whose chimneys may have caught fire after any refusal to allow them to be swept, such penalty to be recovered before any Justice of the Peace; and whenever any chimney which shall have caught fire as aforesaid, shall be common to several houses, or be used by several families in the same house, the said Justice of the Peace shall have power to impose the above penalty in full on each house or family, or to divide the same among them in proportion to the degree of negligence shewn on proof before him;

Ashes and quick lime.

6. For regulating the manner in which ashes or quick lime shall be kept in the said Town, and for preventing the inhabitants of the said Town from carrying fire in the streets without necessary precaution,—from making a fire in any street,—from going from their house to their yards and outbuildings and entering therein with lighted candles not enclosed in lanterns: and generally for making such regulations as they may deem necessary for preventing or diminishing accidents by fire;

Conduct at fires.

7. For regulating the conduct of all persons present at any fire in the said Town; for obliging idle persons to assist in extinguishing the fire, or in saving effects which may be in danger, and for obliging all the inhabitants of the said Town to keep at all times upon and in their houses, ladders, fire-buckets, battering rams and fire-hooks, in order the more easily to arrest the progress of fires;

Persons wounded at fires.

8. For defraying out of the funds of the said Town any expense which the said Council shall deem expedient to incur, in aiding or assisting any person in their employ, who shall have received any wound or contracted any severe disease at any fire in the said Town; or in assisting or providing for the family of any person in their employ who shall perish at any fire; or in bestowing rewards in money or otherwise upon persons who shall have been particularly useful or zealous at any fire in the said Town;

Demolition of buildings in certain cases.

9. For vesting in such members of the Council or in the Fire Inspectors, or either of them, to be designated in such By-laws, the power of ordering to be demolished during any fire, any houses,

houses, buildings, outhouses or fences, which might serve as fuel to the fire and endanger the other property of the inhabitants of the said Town ;

Appointment of officers.

10. For appointing all such officers as the said Council shall deem necessary for carrying into execution the By-laws to be passed by them in relation to accidents by fire ; for prescribing their duties and powers, and providing for their remuneration, if they think fit, out of the funds of the said Town ;

Authorizing officers to visit and inspect buildings, &c.

11. For authorizing such Officers as the Council shall think fit to appoint for that purpose, to visit and examine at suitable times and hours, both the inside and the outside of all houses and buildings of any description within the said Town, for the purpose of ascertaining whether the rules and regulations passed by the said Council under the authority of this section are regularly observed, and for obliging all proprietors, possessors or occupants of houses in the said Town, to admit such Officers for the purposes aforesaid.

Duty of Secretary Treasurer upon completion of Collection-Roll.

37. 1. The Secretary-Treasurer, when he shall have completed his collection roll, shall proceed to collect the rates therein mentioned, and for that purpose shall give or cause public notice to be given on the following Sunday, or on any subsequent Sunday, that the collection roll is completed and deposited in his office, and that all persons therein mentioned, liable to the payment of assessments, are required by him to pay the amount thereof at his office within the twenty days which follow the publication of the said notice :

Duty with respect to arrears.

2. If at the expiration of the said twenty days, there shall be any arrears of assessment, the Secretary-Treasurer shall leave at the ordinary place of residence or domicile of each person so in arrears, or serve on each person in arrears, personally, a statement of the total amount of assessments due by such person in arrears, and at the same time, and by a notice annexed to the said statement, he shall demand the payment of the assessments therein mentioned, together with the expenses of the serving of the notice, according to such tariff as the Council shall have decided upon ;

Proceedings in case of neglect to pay.

3. If any person neglect to pay the amount of assessments imposed upon him for a period of thirty days, after he shall have been requested to do so as aforesaid, the Secretary-Treasurer shall levy the said assessments with costs, by a warrant under the hand of the Mayor, authorizing the seizure and sale of the goods and chattels of the person bound to pay the same, or of all the goods and chattels in his possession, wherever they shall be found within the limits of the said Town, addressed to one of the sworn bailiffs for the district of Iberville, of the Superior Court for Lower Canada, who is hereby authorized to seize and sell the said goods and chattels in the ordinary

ordinary manner; and no claim founded on a right of ownership or privilege upon the same shall prevent the sale or the payment of the assessments and expenses out of the proceeds of such sale.

From what parties taxes may be recovered.

38. Every tax or assessment imposed by virtue of this Act, upon any property or house in the said Town, may be recovered either from the proprietor, tenant or occupier of such property or house; and if such tenant or occupier be not bound by lease or other stipulation to pay such tax or assessment, such tenant and occupier may and shall be entitled to deduct the sum so paid by him out of the rent which he would have to pay for the possession of such property;

Proceedings in case of non-performance of work ordered by Council.

2. Whenever the Town Council shall have passed any By-law or By-laws directing work to be done within the said Municipality or in any part thereof, and any proprietor shall be unable from absence, poverty or any other cause, to perform the said work, it shall be lawful for the said Council to cause the work which such proprietor may be bound under such By-laws to perform to be done, and the sum so expended by the Council shall remain a lien upon the property as a special and privileged hypothec in preference to all other debts whatsoever, and shall be recoverable in the same manner as the taxes due to the said Council, with interest at the rate of eight per cent.

Case of absentee proprietor of vacant property, provided for.

39. In all cases where the persons who shall be rated in respect of any vacant ground or other real property within the Town, shall not reside within the said Town, and the rates and assessments payable in respect of such vacant ground or property shall remain due and unpaid for the space of six years, then it shall be lawful for the said Town Council, after having obtained a judgment before the Circuit Court, in and for the District of Iberville, or any other Court of civil jurisdiction, to sell and dispose of such property by public sale, or so much thereof as shall be judged sufficient for the payment of the sum due, with costs; and the Sheriff of the District of Iberville is hereby authorized and required to advertise such sale to be made under the authority of this section, in a French newspaper, or in an English newspaper, published or circulated in the District of Iberville, and the said Sheriff is also required to employ, for the purpose of effecting such sale, a bailiff residing in the said Town of Iberville, who shall be designated by the said Council; Provided always, that all owners of property sold under the authority of this section, shall be allowed to resume possession of the same, within the space of one year next after the date of such sale, on paying to the purchaser the full amount of the purchase money, with legal interest thereon, and any necessary outlay which may have been made on the said property by order of the said Council in virtue of this Act, on condition, however, that the said purchaser shall have kept the said property in the same state

Proviso.

state and condition in which it was at the time of the purchase, and shall not have damaged it or allowed it to deteriorate; together with the costs attendant upon such sale, and ten per centum besides interest both on the amount of the purchase money and of the said outlay; And provided also, that if after such sale of property belonging to persons residing out of the Town, any surplus shall remain over and above the sum due to the said Council, for assessment and costs, the said Sheriff shall pay over such surplus to the said Town Council, to whatever sum the same may amount, and the said surplus shall be deposited in the funds of the said Town, as a loan, at the rate of six per cent. until called for and claimed by the party to whom it shall belong, to whom the same shall be paid. Proviso.

40. The said Council shall have power to remit a portion or even the whole of the amount due for assessment to indigent parties assessed under this Act, in certain cases of fire, long illness, or any other cause which the said Council shall deem reasonable and sufficient. Assessment may be remitted in certain cases.

41. If any person shall transgress any order or regulation made by the said Town Council under the authority of this Act, such person shall, for every such offence, forfeit the sum specified in any such order, rule or regulation, with the costs to be allowed by the Justices of the Peace who shall try such offences in accordance with the tariff then in force for the fees of the officers of the said Justices of the Peace, and to be levied on the goods and chattels of the offender, and, in default of such goods and chattels, the offender shall be liable to be committed to the Common Gaol of the District, for a term not exceeding one month, but which may be less in the discretion of the Court; and no person shall be deemed an incompetent witness upon any information under this Act, by reason of his being a resident of the said Town of Iberville; Provided always, that the information and complaint for any breach of any order or regulation of the said Town Council shall be made within one month next after the time of the offence committed; And provided also, that no fine or penalty shall be inflicted for any such offence, which shall be less than one dollar nor more than twenty dollars, and that no imprisonment for any such offence shall, in any case, be more than one calendar month, and the costs of transport in effecting such imprisonment shall be borne by the said Town Council, and the said Council shall also have power to punish by forfeiture of their goods, articles and provisions, all persons exposing them for sale on the markets, in the streets of the said Town, and infringing at the same time the By-laws of the said Council as regards the weight and quality of such goods, articles and provisions. Penalties for infraction of By-laws. Proviso. Proviso.

42. All the debts hereafter due to the said Town Council for all taxes or assessments imposed on moveable or immoveable property in the said Town, shall, by virtue of this Act, be privileged Taxes and assessment shall be privileged debts.

privileged debts, and shall be paid in preference to all other debts, and the said Town Council shall, in all cases of distribution of moneys, be collocated in preference to all other creditors; Provided always, that this privilege shall only apply to assessments due for six years, and no longer; And provided also, that this privilege shall have its full and complete effect without its being necessary to have recourse to registration.

Proviso.

Proviso.

To whom penalties, &c., shall be paid.

43. All the fines and penalties recovered under the provisions of this Act, shall be paid into the hands of the Treasurer of the said Town Council, and the proceeds of all licenses granted under this Act shall form part of the public funds of the said Town, any law to the contrary notwithstanding.

By-laws, &c., to be published.

44. Before any By-law of the said Town Council shall have force or be binding, such By-law shall be published in the French language by reading the same at the door of the Catholic Church of the said Town on the two Sundays next after the passing of such By-law, and by posting up a copy thereof in two of the most public places in the said Town.

Council may effect loans.

45. It shall be lawful for the said Town Council, from time to time, to borrow divers sums of money for effecting improvements in the said Town, for the purpose of building one or more market houses, or for draining the streets, or for furnishing the said Town with water, and generally for such purposes as the said Council shall deem useful or necessary.

Duties of Council with respect to loans.

46. Whenever the said Council shall contract loans upon the credit of the said Town, they shall be bound and they are hereby required to provide immediately for the payment of the annual interest upon such loans, which annual interest shall not in any case exceed the legal rate of interest in this Province; and the said Council shall set aside a portion of their revenues for the payment

Sinking Fund.

of such interest; and the said Council shall also, whenever they shall contract a loan, provide out of their revenue for the establishment of a Sinking Fund, which Sinking Fund shall consist of a deposit made in a Savings' Bank, annually, and at the periods when the interest on the said loan shall be paid, of a sum equivalent to a proportion of at least two per centum on the capital to be paid off; and the sum arising annually from the Sinking Fund shall remain deposited in such Savings' Bank, with the interest which may accrue thereon, until it shall be

Proviso: in certain cases no new loan to be contracted.

equal to the total amount of the capital to be paid off; Provided always, that when the interest and Sinking Fund united shall absorb one half of the annual revenues of the said Council, then and in such case it shall not be lawful for the said Council to contract new loans, it being hereby intended that the said Council shall not be entitled to devote to the interest and Sinking Fund of their loans, any sum exceeding half of their revenues; And provided also, that it shall be lawful for the said Town Council, if the lender consent or require it, to deposit in

Proviso.

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the hands of such lenders, instead of in a Saving's Bank, the annual sums which shall have been agreed upon to form the Sinking Fund ; in which case the receipts given to the said Council shall be so drawn up as to define what amount shall have been paid on account of interest, and what amount shall have been paid into the Sinking Fund.

Members of Council may order arrest of disorderly persons.

47. It shall be lawful for any one of the members of the said Town Council, individually, to order the immediate apprehension of any drunken or disorderly or riotous person whom he shall find disturbing the public peace within the said Town, and to confine him in the Common Gaol of the District, or other place of confinement, in order that such person may be secured until he can be brought before the Mayor or a Justice of the Peace, to be dealt with according to law.

Powers of constables in certain cases.

48. It shall be lawful for any constable to apprehend and arrest all persons whom he shall find disturbing the public peace within the limits of the said Town, and also every person who shall be found sleeping in any field, vacant lot, highway, yard, or other place, or shall be found loitering or idling in any such place, and shall not give satisfactory reasons for his conduct ; and every such constable shall deliver such person into the custody of the constable who shall have the charge of the prison, or any other place of detention of the said Town, in order to the safe keeping of the said person, until he shall be brought before the Mayor or other Magistrate, to be dealt with according to law.

Persons assaulting constables in the execution of their duty, how dealt with.

49. Every person who shall assault, beat, or forcibly resist any constable or peace officer appointed by virtue of this Act, and engaged in the execution of his duty, or who shall aid or excite any other person to assault, beat, or forcibly resist such officer or constable, every such offender shall, upon conviction thereof before the Mayor or a Justice of the Peace, be liable to a fine of from four to forty dollars currency, or to imprisonment not exceeding two calendar months, notwithstanding any provisions of this Act to the contrary ; Provided always, that it shall be lawful for the said Council or any other officer, if the offence be serious, to proceed by indictment against any such offender, but nevertheless only one proceeding at law shall be adopted.

Proviso.

Properties exempt from taxation.

50. The following property shall be exempt from taxation in the Town of Iberville :

1. All lands and property belonging to Her Majesty, Her Heirs and Successors, held by any public body, office or person in trust for the service of Her Majesty, Her Heirs and Successors ;

2. All Provincial property and buildings ;

3.

3. Every place of public worship, presbytery and its dependencies, and every burying ground ;

4. Every public school house and the ground on which the same is constructed ;

5. Every educational establishment and the ground on which the same is constructed ;

6. All buildings, grounds and property occupied or possessed by hospitals or other charitable or educational establishments ;

Proviso: exemption not to extend to Crown property leased to private parties.

7. Every Court House and District Gaol and the grounds attached thereto ; Provided always, that this exemption shall not extend to lots or to other buildings built upon lots leased or occupied by tenants under the Government in the said Town : but such lands belonging to the Government or to the Ordnance Department occupied by tenants, shall be valued and assessed in like manner as other real property in the said Town, and such rates or assessment shall be paid by the said tenants or occupiers thereof.

Certificates for Tavern licenses to be granted by Council only.

51. From and after the passing of this Act, the said Town Council shall alone be authorized to grant and deliver certificates for obtaining Tavern Licenses, any law, usage or custom to the contrary notwithstanding ; and such certificates shall be signed by the Mayor and the Secretary-Treasurer of the said Council, and sealed with the seal of the said Council.

Limitation of actions for things done under this Act.

52. If any action or suit shall be brought against any person for any matter or thing done by virtue or in pursuance of this Act, such action or suit shall be brought within four calendar months next after the fact committed, and not afterwards.

Encroachments on public streets or squares.

53. It shall be lawful for the said Town Council to order the Inspector of the said Town to notify any parties who shall have made or shall hereafter make encroachments upon the streets or public squares of the said Town, by means of houses, fences, buildings, or obstructions of any kind, to cause the removal of such encroachments or obstructions by giving to such persons a reasonable delay for the purpose, which delay shall be specified by the said Town Inspector in giving his notice ; and if such persons shall not have removed such encroachments or obstructions within the delay specified, the Council may order the said Inspector to remove such encroachments or obstructions, taking with him the assistance necessary for that purpose ; and the said Council may allow to the said Inspector his reasonable expenses and recover the same before any Court having competent jurisdiction, from any person making such encroachment or obstruction.

54. From and after the passing of this Act, every proprietor or agent who shall wilfully grant a certificate or receipt, setting forth a less sum than the rent really paid or payable for the premises therein mentioned or referred to, and every tenant who shall present to the assessors of the said Town, such a receipt or certificate, falsely representing the value of the rent paid by such tenant, in order to procure a diminution or abatement of his assessment, or who shall directly or indirectly deceive the said assessors as to the amount of such rent, shall be liable on conviction thereof, before the Mayor or a Justice of the Peace, to a penalty of twenty dollars currency or less, or to imprisonment during one calendar month or less, according to the judgment of such Mayor or Justice of the Peace.

Penalty for granting false receipts for rent in order to lessen taxes.

55. It shall be lawful for the said Council, whenever any house shall encroach upon any of the streets or public squares of the said Town, to prevent the proprietor of such house from rebuilding on the site occupied by the demolished house, and it shall be lawful for the Council to purchase any part of such lot encroaching upon any street, or to require the proprietor of such land to dispossess himself thereof, in consideration of an indemnity therefor, and such indemnity shall be fixed by arbitrators appointed respectively by the said Council, and by the party they are desirous of dispossessing ; and the said arbitrators, in case of difference of opinion, shall appoint a third ; and the said arbitrators, after having been sworn by a Justice of the Peace, shall take cognizance of the matter in dispute, and after visiting the place in question, shall decide upon the amount of indemnity to be granted to such proprietor ; and the said arbitrators shall be authorized to decide which of the parties shall pay the costs of arbitration.

Council may prevent re-erection of buildings in certain cases.

56. The said Council shall have full power to purchase and acquire out of the revenues of the said Town, all such lots, lands and real property whatsoever within the said Town, as they shall deem necessary for the opening or enlargement of any street, public square or market-place, or the erection of any public building, or generally for any object of public utility of a Municipal nature.

Council may acquire lands for certain purposes.

57. When the proprietor of a lot which the said Council shall be desirous of purchasing, for any object of public utility of a Municipal nature, shall refuse to sell the same by private agreement, or in case such proprietor shall be absent from the Province or in case such lot of land shall belong to infants, issue unborn, lunatics, idiots, or wives *sous puissance de mari*, the said Council may apply to the Superior Court sitting in and for the District of Iberville, or to any other Court, for the appointment of an arbitrator by the said Court, to make conjointly with the arbitrator appointed by the said Council, a valuation of such lot, with power to the said arbitrators, in case of a difference of opinion, to appoint a third ; and when the said arbitrators shall have

Arbitration in cases of disagreement as to the value of property taken for city purposes.

have made their report to the said Council, at a regular meeting thereof, it shall be lawful for the said Council to acquire such lot on depositing the price at which it shall have been valued by the said arbitrators, in the hands of the Prothonotary of the Superior Court in and for the District of Iberville, for the use of the person entitled thereto; and if no person entitled to such indemnity, shall appear within six months after such amount shall have been deposited in the hands of such Prothonotary, to claim the sum so deposited, it shall then be lawful for the said Prothonotary, and he is hereby required to remit such sum to the Secretary-Treasurer of the said Council, to be deposited by him with the moneys of the said Town, and such sum shall bear interest at the rate of six per centum; and both the capital and the interest accruing thereon shall be payable by the said Council to any person entitled to receive the same, within three months after a formal notification to the Secretary-Treasurer of the said Town to pay the same.

Penalties for refusal to accept office.

58. Every person who, being elected or appointed to any of the offices mentioned in the following list, shall refuse or neglect to accept such office, or to perform the duties of such office, during any portion of the period for which he shall have been so elected or appointed, shall incur the penalty mentioned in such list opposite the name or designation of such office, that is to say:

Mayor. The office of Mayor, thirty dollars currency;

Councillor. The office of Councillor, twenty dollars currency;

On Valuators neglecting their duties.

2. Whenever the valuators neglect to make the valuation which they are required to make under this Act, or neglect to draw up, sign and deliver the valuation roll containing such valuation to the Secretary-Treasurer of the Council, within two months from the date of their appointment, every such valuator shall incur a penalty of two dollars currency for each day, which shall elapse between the expiration of the said period of two months, and the day upon which such valuation roll shall be so delivered, or upon which their successors in office shall be appointed;

Penalties for refusing to perform duties of office.

3. Every Member of Council, every Officer appointed by such Council, every Justice of the Peace and every other person who shall refuse or neglect to do any act, or perform any duty required of, or imposed upon him by this Act, shall incur a penalty not exceeding twenty dollars, and not less than four dollars currency;

For voting without qualification.

4. Every person who shall vote at any election of Mayor or Councillors without having, at the time of giving his vote at such election, the qualification by law required to entitle him

to

to vote at such election, shall thereby incur a penalty not exceeding twenty dollars currency ;

5. Every inspector or officer of roads who shall refuse or neglect to perform any duty assigned to him by this Act, or by the By-laws of the Council, shall, for each day on which such offence shall be committed or shall continue, incur a penalty of one dollar currency, unless some other and heavier penalty be by law imposed on him for such offence ; On Inspectors of roads for neglect of duty.

6. Every person who shall hinder or prevent, or attempt to hinder or prevent, any officer of the Council in the exercise of any of the powers or in the performance of any of the duties conferred or imposed upon him by this Act, or by any By-law or order of the said Council, shall incur a penalty of twenty dollars currency for every such offence, over and above any damages which he may be liable to pay ; Penalties for hindering officers in the performance of their duties.

7. Every person who shall wilfully tear down, injure or deface any advertisement, notice or other document, required by this Act or by any By-law or order of the said Council to be posted up at any public place, for the information of persons interested, shall incur a penalty of eight dollars for every such offence. Persons defacing notices, &c.

59. All the penalties imposed by this Act, or by any By-law made by the Council, may be recovered before the Circuit Court for the district of Iberville, or before any Justice of the Peace residing in the said Town ; all penalties and fines incurred by the same person may be included in the same action, and in any such action the party failing shall be condemned with costs of suit, in accordance with the tariff of such Court. Penalties, how to be recovered.

60. This Act shall be held and deemed to be a Public Act, and the interpretation Act shall apply thereto. Public Act.

SCHEDULE No. 1.

Public notice by the Secretary-Treasurer of the completion of his Collection-Roll.

Public notice is hereby given that the Collection-Roll of the Town of Iberville is completed and is now deposited in the office of the undersigned, and all persons whose names appear therein, as liable for the payment of any assessment, are required to pay the amount thereof to the undersigned at his office, within twenty days from this day, without further notice.

SECRETARY-TREASURER'S NOTICE FOR THE PAYMENT OF ASSESSMENT. (No. 2.)

CORPORATION OF THE TOWN OF IBERVILLE.

Mr.

(*Copy of Account.*)

$

Notice served.
(*Here insert date of notice.*)

COSTS.
Notice.....$

CAP.

CORPORATION OF THE TOWN OF IBERVILLE.
(*Date of delivery.*)

Mr. , Dr.

To the Corporation of the Town of Iberville.

	$	cts.
Assessment on you (*here mention the property, as* house, land, &c.) valued at $, at ( ) in the.....		
(*Here add the various other items of taxation*).....		
Total.....		

SIR,—Take notice, that having failed to pay the above mentioned sum within the time prescribed by public notice, you are hereby required, within fifteen days from the date hereof, to pay the same to me at my office, together with the costs of this notice and service thereof as below, in default whereof, execution will issue against your goods and chattels.

A. B.
Secretary-Treasurer.

COSTS.
Notice.....$

CAP. LXV.

An Act relating to Registrations affecting Lands and Tenements in the Parishes of Ste. Foye, l'Ancienne Lorette and Saint Ambroise.

[*Assented to 4th May*, 1859.]

Preamble. HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows;

Registry Office for Division of Quebec. 1. The Registry Office for the Registration Divison of Quebec shall be the Registry Office for the whole of each of the Parishes of Sainte Foye, l'Ancienne Lorette and Saint Ambroise, in the District of Quebec.

Act not retroactive, &c. 2. This Act shall not have any retroactive effect, import or meaning; but the rights of all parties who have effected registrations either at the Registry Office for the Registration Divivision of Quebec, or at the Registry Office for the County of Portneuf, shall be determined by the Courts of Justice according to the real import or construction of previous Acts, so that this Act shall not in any way affect or influence such determination.

CAP. LXVI.

An Act to protect the rights of parties affected by the loss by fire of the Registers of Baptisms, Marriages, and Burials, in the Parish of St. George d'Aubert Gallion, in the County of Beauce.

[*Assented to 4th May*, 1859.]

Preamble. WHEREAS the Parsonage House (*Presbytère*) of the Parish of St. George d'Aubert Gallion, in the County of Beauce, was consumed by fire on the second day of February, one thousand eight hundred and fifty-nine, together with the original Registers of Baptisms, Marriages, and Burials of the said Parish, as well as the duplicates of the said registers for the preceding year, made in accordance with the law in that behalf, and therein deposited temporarily for safe-keeping; And whereas it is right and necessary to prevent the confusion and serious loss which may result to families and individuals whose status and civil rights may be affected or impaired by the destruction of the said Registers; Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Prothonotary of Quebec to make and transmit to the Curé of St. George a duplicate of former Registers.

1. It shall be the duty of the Prothonotary of the Superior Court at Quebec to cause to be made a true and faithful transcript of all the entries contained in the duplicate Registers of Births, Marriages, and Burials of the said Parish, deposited of record in the office of the said Prothonotary previously to the destruction by fire of the said original Registers such transcript to be made and entered in books to be duly authenticated and paraphe'd in the manner prescribed by law with regard to books in which Registers of Baptisms, Marriages, and Burials are to be kept, and to be certified under the hand of the said Prothonotary as such true and faithful transcript, and to be delivered to the Priest or Curé of the said Parish for the time being or other person entitled by law to the custody of the Registers of the said Parish, and to be kept in the Archives of the *fabrique* thereof; And all extracts from the said transcripts, being certified by the Priest, Curé, or other person having the legal custody of the said Registers, shall be legal evidence of the facts mentioned in such extracts, and shall have the same force and effect to all intents and purposes as if the same had been made in due and regular time and form agreeably to the law of Lower Canada, saving to the adverse parties the right of impeaching and rebutting such evidence.

Effect of such duplicate and extracts therefrom.

Curé and his successors in office to be Commissioners for collecting evidence to form a new Register, &c.

2. The Reverend Godefroi Gaudin, the Curé of the said Parish, and the person or persons succeeding him and officiating therein as Priest, Curé, Vicar, or Missionary thereof during the time of the carrying into execution of the provisions of this Act, are respectively and each of them is hereby constituted a Commissioner for the purposes of this Act and authorized forthwith to proceed to ascertain, in the manner hereinafter mentioned, all the Baptisms, Marriages and Burials which took place in the said Parish during the period which elapsed between the deposit of the last duplicate Registers in the office of the said Prothonotary, and the day of the date of the said fire, and thereupon to make an entry and entries thereof in new books, original and duplicate, to be numbered and paraphe'd in the usual manner required by law.

Notice by Commissioner requiring the production of evidence, &c.

3. It shall be the duty of the said reverend Godefroi Gaudin or other officiating Priest, Curé, Vicar or Missionary of the said Parish, to give due notice of the purport of the present Act, and to require all persons interested in or capable of supplying the loss of the said original Registers, to appear before him at such time and place as he may, by written notice, appoint to that effect, and to bring with them and produce to him all extracts or certificates of Baptisms, Marriages and Burials, during the period for which the Registers have been destroyed as aforesaid, and all family records and entries of such Baptisms, Marriages and Burials in their control, and to give such evidence upon oath, as they may possess and as may be required of them, touching any Baptism, Marriage or Burial in the said Parish, during the said period; and the Commissioner shall have full power to administer the necessary oath to any person so to be examined.

4.

4. Upon proof on oath as aforesaid, by one or more witnesses, or other evidence of the occurrence of any such Baptism, Marriage or Burial in the said Parish, within the said period, the Commissioner shall make a duplicate entry thereof in duplicate Registers, and each duplicate entry shall be signed by himself and by the witnesses sworn and examined by him, and if they cannot sign, mention shall be made of that fact and of the cause thereof, and also, of any extract from the Registers destroyed or other written proof produced by any such witness; and any certified copy of any such entry shall be *primâ facie* evidence of the truth of the facts therein stated, according to its true intent and meaning, and shall, unless shown to be untrue, have the same force and effect at all intents and purposes, as if the same had been made in due and regular form agreeably to the laws of Lower Canada in that behalf; Provided that in any case of a Baptism, Marriage or Burial occurring within the said period and not duly proved and entered in the said new Registers, nothing in this Act contained shall be construed to prevent the proof thereof in any manner by law allowed.

Entries to be made in new Registers on due proof.

Their effect.

Proviso.

5. Provided always, that if any person shall knowingly and wilfully make a false statement upon oath respecting any of the matters aforesaid, and be thereof lawfully convicted, such person shall be deemed guilty of wilful and corrupt perjury and punished accordingly; and provided also, that if any person shall wilfully and fraudulently forge any record, entry or note or written memorandum of any such Baptism, Marriage or Burial, or alter, erase, obliterate, falsify or counterfeit the same, or shall publish, offer, alter or put off the same, knowing it to be forged, altered, erased, obliterated, falsified or counterfeited, for the purpose of causing a false entry to be made in the said new Registers, or of causing any true and lawful entry to be omitted therefrom, he shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be confined in the Provincial Penitentiary, for a period not less than two nor more than ten years.

Wilfully false statements by such witnesses to be perjury, &c.

6. Upon the completion of the said duplicates of Registers by the said Prothonotary, the same shall be marked and labelled "New Duplicate of Registers of Baptisms, Marriages and Burials, &c., (*as the case may be*) for the Parish of St. George d'Aubert Gallion, for the year" (*insert the year*), made pursuant to" *this Act, setting forth its title and date;* and upon the completion of the duplicate Registers by the said Commissioner, the same shall be respectively labelled in like manner according to the fact, and one duplicate shall be deposited in the office of the said Prothonotary, and the other shall remain among the archives of the said Parish, and every certificate of an extract from either of the said new Registers shall particularly designate the Register from which the same has been made, by the name and label thereof.

Completion and labelling of the new Registers.

Deposit of duplicates.

Extracts therefrom.

7. This Act shall be deemed a Public Act.

Public Act.

CAP.

CAP. LXVII.

An Act to alter the limits of the Township of North Halifax, in the County of Megantic.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS by the Act passed in the twentieth year of Her Majesty's Reign, chapter one hundred and thirty-four, that part of the thirteenth range of the Township of Arthabaska, situate to the north of the Rivière du Loup, was detached from the Township and County of Arthabaska, and annexed to the Township of North Halifax, in the County of Megantic, for all parochial, municipal, electoral, judicial and registration purposes; And whereas it appears that it is, from local circumstances, highly desirable for the convenience of the inhabitants, that the remainder of the said range should be also annexed to the Township of North Halifax: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

South part of Range 13 of Arthabaska annexed to North Halifax.

1. From and after the first day of January, one thousand eight hundred and sixty, the remainder of the said thirteenth range of the Township of Arthabaska, that is to say, all that part of the said range situate south of the Rivière du Loup, shall be detached from the said Township of Arthabaska, and shall be annexed to and form part of the said Township of North Halifax and County of Megantic, for all school, municipal, electoral, judicial, registration, and other civil purposes, in like manner as that part of the said range, situate north of the said Rivière du Loup, is annexed to and now forms part of the said Township of North Halifax, by virtue of the Act above cited.

Proviso: as to debts and pending suits.

2. This Act shall not have the effect of discharging the portion of the Township of Arthabaska detached therefrom by virtue of this Act, from any school or municipal debt contracted while it remained part of the said Township; nor shall this Act affect any suit or proceeding pending on the said first day of January, one thousand eight hundred and sixty, but the same shall be continued to judgment and execution, and as to proceedings after execution, as if this Act had not been passed; Nor shall this Act, nor yet the Act mentioned in the preamble hereto, be held to affect the limits of the Roman Catholic Dioceses of Quebec and Three-Rivers respectively, nor the limits assigned to the parishes of Ste. Sophie d'Halifax and St. Norbert d'Arthabaska, by the civil and canonical erection thereof respectively, nor any right whatever arising out of such erection of the said parishes.

Act not to affect limits of certain Dioceses and parishes.

Public Act.

3. This Act shall be deemed a Public Act.

CAP.

CAP. LXVIII.

An Act to divide the Township of Wotton, in the County of Wolfe, into two distinct Municipalities.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is expedient to separate the Township of Wotton, in the County of Wolfe, into two distinct Municipalities, inasmuch as such division of the said Township will greatly promote the welfare and convenience of its inhabitants: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Township of St. Camille constituted out of part of Wotton.

1. Upon, from and after the first day of January, one thousand eight hundred and sixty, the ninth, tenth, eleventh, twelfth, thirteenth and fourteenth Ranges of the said Township of Wotton, shall constitute a separate Township or Municipality by the name of the Township of St. Camille, and the said Township of St. Camille shall hereafter be deemed to be such separate Municipality for all Municipal, School, Judicial and other purposes whatsoever, in the same manner, and to all intents and purposes as though the said Township of St. Camille had always been distinct from and had never formed part of the said Township of Wotton, and shall enjoy all the rights and privileges appertaining to other Townships in Lower Canada, and the remainder of the said Township shall remain as at present, and form the Municipality and Township of Wotton.

County Council to pass a By-law as to debt of Wotton.

2. All and every the debts of the present Municipality of Wotton shall be divided between the respective Municipalities of Wotton and of St. Camille, by a By-law to be passed by the County Council to that effect, and as soon as the said debts shall have been divided as aforesaid, each of the said Municipalities shall be bound to the payment of the share of the said debts which shall have been so assigned to it as aforesaid, as though such share of the said debts had been incurred by such Municipalities.

Public Act.

3. This Act shall be deemed a Public Act.

CAP. LXIX.

An Act to amend the *Lower Canada Municipal and Road Act of* 1855, and to divide the Township of Bagot, in the County of Chicoutimi, into two separate Municipalities.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is expedient to amend the *Lower Canada Municipal and Road Act of* 1855, by dividing the Township of Bagot into two separate Municipalities: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Township of Bagot divided into two Municipalities.

1. From and after the first day of May, in the year of our Lord, one thousand eight hundred and fifty-nine, the present Municipality of the Township of Bagot, in the County of Chicoutimi, shall be divided, and the said present Municipality of the Township of Bagot shall be composed of the Parish of St. Alphonse de Liguori, as erected by Canonical Decree, under the name of the "Municipality of Bagotville, north-west division of the Township of Bagot," and the remainder of the said Municipality of the Township of Bagot, situated to the south-east of the Rivière-à-Mars and Ha! Ha! Bay, shall form a new Municipality for all the purposes of the *Lower Canada Municipal and Road Act of* 1855, and the Acts amending the same, under the name of the "Municipality of Grande Baie."

First election in each Municipality.

2. Within three months after the passing of this Act, an election of Councillors shall be held in each of the said Municipalities, upon notice to that effect given in each by three qualified electors, and seven Councillors shall be elected to form the Council of each of the said Municipalities, in the manner prescribed by the said *Lower Canada Municipal and Road Act of* 1855, and the Acts amending the same, and they shall be invested with all the powers conferred by the said Acts on Local Councils.

Powers of the Councils.

Division of present funds.

3. The funds belonging to the present Municipality of Bagot shall be divided between the two Municipalities formed out of it, and its debts shall be paid by them in proportion to the assessment roll for each Municipality, and the assets shall be collected by the Municipality of Bagot, which shall from time to time account for the share of the Municipality of Grande Baie.

Public Act.

4. This Act shall be deemed a Public Act.

CAP.

CAP. LXX.

An Act to change the limits of the Municipality of Lake St. John, and to divide the same into two.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is necessary, from the great distance existing between its present limits and the want of roads of communication in the Municipality of Lake St. John, to amend the Act of the nineteenth year of Her Majesty's Reign, chapter seventy-one, and to alter the limits of the said Municipality: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Divisions of the Municipality and *chef-lieu*.

1. From and after the passing of this Act, the Municipality of Lake St. John shall be divided into two separate divisions; the first division shall be called the Municipality of Hébertville, and shall comprise and include the Townships of Kinogami, Mesy, Labarre, Plessis, Signay and Caron, and shall have its *chef-lieu* at Hébertville, in the Township of Labarre; and the second division shall be called the Municipality of Roberval, and shall comprise and include the Townships of Metabetchouan, Charlevoix, Roberval, Indian Lands of Ouiatchouan, and any other Townships that may be surveyed to the west, or settlements that may be opened before a survey takes place, and shall have as its *chef-lieu* a site to be chosen by the Local Council thereof in the Township of Roberval; and each of the said Municipalities shall have the powers of a local and of a County Municipality in like manner and subject to the like restrictions as the present Municipality of Lake St. John.

Divisions need not contain 300 souls, &c.

2. Each of the said Municipalities may be organized and may exercise all its powers and functions, although there may not be three hundred souls within its limits; and the qualification of Electors and Councillors shall be as in the Act above cited mentioned.

Election or appointment of Councillors.

3. The Councillors now elected for the Townships in the Municipality of Hébertville shall form the first Council thereof; and elections shall be held for Councillors of the Municipality of Roberval, as soon as may be found convenient after the passing of this Act, at a time and at places in each Municipality to be fixed by the Registrar of the County of Chicoutimi, who shall appoint the Returning Officers for such elections; and in default of such election in either Municipality within three months after the passing of this Act, the Governor shall appoint the Councillors under the Lower Canada Municipal and Road Act of 1855 and the Acts amending the same.

Public Act.

4. This Act shall be deemed a Public Act.

CAP.

CAP. LXXI.

An Act to authorize the City of Toronto to issue Debentures for redeeming some of their outstanding Debentures, for which no Sinking Fund has been provided, and for other purposes.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS the Corporation of the City of Toronto have petitioned to be authorized to issue a certain amount of Debentures for the purpose of redeeming a portion of the Debentures of the said City, for which no Sinking Fund has been established by law; And whereas the said Corporation have further petitioned to be authorized to redeem certain Debentures issued for the purchase of stock in the Grand Trunk Railway, as hereinafter mentioned: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Corporation may issue Debentures for $408,355 28, to redeem those hereinafter mentioned.

1. The Corporation of the City of Toronto may pass a by-law or by-laws for authorizing the issue of Debentures of the said City, for a sum not exceeding in the whole four hundred and eight thousand three hundred and fifty-five dollars and twenty-eight cents, to redeem certain Debentures numbered and falling due, and amounting to the said sum of four hundred and eight thousand three hundred and fifty-five dollars and twenty-eight cents, as herein mentioned, that is to say:

In **1859**—Numbers 258, 259, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 291, 328, 336, 512, 513, 546, 560, 592, 632, 646, 685, 717, 718, 719, 720, 735, 737, 927, 948, 1314, 1354, 1366, 1379, 1384, 1385, 1389, 1392, 1401, 1436, 1467, 1468, 1496, 1540, 1541, 1544, 1546, 1557, 1562, 1881, 1882, 1883, 1926, 1928, 1930—amounting to.....	$40,394 00
1860—Numbers 363, 514, 515, 516, 547, 561, 566, 593, 633, 680, 686, 697, 713, 721, 722, 732, 733, 734, 736, 928, 1343, 1344, 1345, 1381, 1386, 1387, 1388, 1469, 1470, 1521, 1528, 1563, 1573, 1590, 1598, 1603—amounting to.....	30,438 73
1861—Numbers 383, 517, 548, 562, 563, 570, 594, 595, 631, 634, 668, 695, 696, 702, 703, 723, 726, 728, 929, 1346, 1358, 1372, 1382, 1471, 1472, 1537, 1558, 1560, 1564, 1574, 1575, 1578, 1616, 1870, 1884, 1885, 1886, 1919—amounting to....	25,767 86

1862—Numbers 518, 527, 528, 529, 549, 564, 565, 596, 597, 598, 599, 635, 675, 681, 701, 724, 725, 727, 930, 1320, 1363, 1364, 1380, 1393, 1394, 1395, 1473, 1474, 1504, 1565, 1615, 1920, 1921, 1925—amounting to..... 17,637 79

1863—Numbers 530, 531, 532, 550, 600, 636, 659, 687, 931, 1321, 1360, 1361, 1365, 1396, 1397, 1398, 1475, 1476, 1566, 1602, 1922, 1997—amounting to..... 17,350 00

1864—Numbers 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 329, 330, 331, 332, 333, 334, 335, 339, 340, 341, 342, 533, 551, 571, 601, 602, 637, 932, 1322, 1362, 1383, 1477, 1478, 1567, 1601, 1927, 1929—amounting to..... 63,318 00

1865—Numbers 337, 338, 343, 344, 375, 376, 377, 378, 379, 380, 534, 572, 603, 604, 638, 648, 933, 1325, 1326, 1327, 1437, 1438, 1439, 1440, 1444, 1479, 1499, 1539, 1543, 1579, 1604, 1605, 1923, 1924—amounting to..... 21,895 40

1866—Numbers 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 381, 382, 384, 385, 386, 535, 568, 573, 605, 606, 607, 608, 647, 649, 660, 688, 692, 934, 1328, 1329, 1330, 1446, 1480, 1489, 1492, 1572, 1606, 1614, 1620, 1621, 1611, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880—amounting to..... 44,723 00

1867—Numbers 387, 569, 574, 609, 610, 611, 612, 650, 661, 663, 935, 936, 1331, 1332, 1333, 1447, 1448, 1449, 1481, 1568, 1580—amounting to..... 16,430 00

1868—Numbers 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 575, 613, 625, 651, 662, 664, 937, 938, 1334, 1335, 1336, 1450, 1451, 1452, 1482, 1513, 1514, 1534, 1569, 1570—amounting to..... 20,497 50

1869—Numbers 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 414, 415, 416, 417, 418, 419, 420, 421, 436, 437, 447, 448, 449, 450, 452, 460, 461, 576, 614, 626, 652, 665, 670, 671, 689, 939, 940, 1337, 1338, 1339, 1441, 1445, 1483, 1490, 1530, 1538, 1571, 1586—amounting to 23,687 00

1870—Numbers 410, 411, 412, 413, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 438, 439, 440, 441, 442, 443, 444, 445, 446, 451, 453, 454, 455, 456, 457, 458, 459, 462, 463, 464, 465, 466, 467, 501, 502, 503, 504, 505, 506, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 567, 577, 578, 583, 584, 627, 653, 654, 655, 666, 672, 690, 729, 781, 941, 942, 1340, 1341, 1342, 1442, 1453, 1484, 1559—amounting to.... $3,600 40

1871—Numbers 579, 580, 581, 628, 656, 657, 658, 667, 673, 691, 730, 943, 944, 1323, 1422, 1443, 1485, 1548, 1549, 1550, 1551, 1552, 1553, 1554—amounting to..... 16,003 62

1872—Numbers 945, 946, 1347, 1348, 1418, 1419, 1420, 1421, 1486, 1508, 1555, 1556—amounting to..... 13,670 00

1873—Numbers 1413, 1414, 1415, 1416, 1417, 1487, 1509—amounting to..... 10,140 00

1874—Numbers 1488, 1510—amounting to..... 4,800 00

1875—None.

1876—Numbers 1613, 1864, 1865, 1866—amounting to..... 8,000 00

$406,355 28

When and how such Debentures shall be made payable.

2. The debentures, issued under the preceding section of this Act, shall be made payable at not more than thirty years after the date thereof, and at such place or places in this country or elsewhere, and for such sum or sums not less than one hundred dollars, and in Provincial or other currency, as the Corporation shall think fit.

Special rate to be raised.

3. The by-law or by-laws authorizing the issue shall provide for the raising of such a yearly special rate as will be required to pay the yearly interest, and such a yearly instalment or proportion of the principal sum according to the number of years the Debentures have to run, as will be sufficient to pay off the principal sum when it falls due.

Sinking Fund to be formed, &c.

4. The annual amount so raised by assessment shall, after the payment of the interest, be invested in such manner as the Governor in Council may direct, for the purpose of creating a sinking fund for the redemption of the principal of such debentures as they respectively become due, the interest upon such investment to be applied to the general purposes of the City.

5. The proceeds of the debentures aforesaid shall be applied in the redemption of the debentures issued by the City, and respectively falling due as enumerated in the first section of this Act, and for no other purpose whatsoever. Application of proceeds of Debentures.

6. If the debentures issued under the first section of this Act, should sell for more than par, or if from the value or rate of exchange between the place of their sale and this place, or from any other cause, there should be obtained a larger sum than is required for the liquidation of the above recited debentures, then such surplus shall be applied on account of the sinking fund, but if there is from any cause a deficiency, the said deficiency shall be made up from the general revenue of the City. Application of surplus, if the Debentures sell above par. Making good any deficiency.

7. The Corporation may also pass a by-law or by-laws for authorizing the sale or exchange in this country or elsewhere, of twenty thousand shares of the capital stock in the Toronto and Guelph Railway Company, since amalgamated with the Grand Trunk Railway Company of Canada, and now constituting in the last named Company, three thousand two hundred and eighty-eight shares, of twenty-five pounds sterling each, amounting in all to eighty-two thousand and two hundred pounds sterling, and held by the City, for cash or for the debentures, or for such portion of the same, as were issued by the City for the purchase of the said stock, as may be agreed upon between the said City and the holders of said debentures. Corporation may dispose of certain Railway Stock, &c.

8. If the stock is sold for cash, then the proceeds of such sale shall be invested in such security as the Governor in Council may direct, and the capital sum so invested, with all interest accruing therefrom, shall be applied towards the interest and redemption of the debentures last aforesaid. Investment if the Stock is sold for cash.

9. If the stock is exchanged for the debentures, or any portion of them, such debentures or such portion shall be cancelled accordingly. If exchanged for Debentures.

10. In case upon any exchange the amount of debentures received is less than the total amount of debentures issued, the Corporation may redeem such residue by the issue of new debentures, payable in such sums and at such times, not exceeding thirty years, as the Council may think fit, and the residue of debentures so redeemed shall be cancelled accordingly. If they are exchanged at less than par, residue of Debentures to be redeemed.

11. Any by-law authorizing the issuing of debentures under this Act shall be valid, without submitting the same to a vote of the rate-payers. Consent of rate-payers not required.

12. This Act shall be deemed to be a Public Act. Public Act.

CAP.

CAP. LXXII.

An Act to consolidate the debt of the Town of Cobourg, and to authorize the issue of Debentures on the security of the Town property, and for other purposes.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS the Town of Cobourg has incurred debts and liabilities, amounting in all to the sum of forty-six thousand one hundred and thirty-four pounds, four shillings, for the erection of a Town Hall, the purchase, repair, and extension of the Harbour and other local improvements within the said Town, and the corporation have petitioned to have all the said debts and liabilities consolidated, and that Debentures may be issued by the said corporation upon the security of the Town property, in order to raise funds for the liquidation of the said liabilities: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain town property vested in Commissioners in trust.

1. The Town Hall and Market Block, in the said Town of Cobourg, the Harbour, Wharves, Piers and appurtenances thereto belonging, and the Port Hope and Rice Lake gravel road, shall be, and the same are hereby declared to be vested in five Commissioners, to be held in fee simple upon the Trusts hereinafter declared, and the said Trustees shall be called "The Commissioners of the Cobourg Town Trust."

The trust declared.

2. The said property shall be held by the said Commissioners exclusively in Trust out of the rents, dues, revenues and profits thereof, to pay in the first place all reasonable expenses of managing the said Trust, also, all necessary moneys that may be required to keep the said properties in good order, usefulness and repair, and to insure the buildings against loss by fire, for such an amount as they the said Commissioners shall deem advisable, and secondly, to pay all interest moneys to become due on the Debentures hereinafter mentioned, and thirdly, to establish a Sinking Fund for the payment of the principal debt.

Town Council may raise £50,000 by loan.

3. It shall be lawful for the said Commissioners to raise, by way of Loan upon the credit of the Debentures hereinafter mentioned, from any person or persons, body or bodies corporate, either in this Province, in Great Britain, or elsewhere, a sum of money not exceeding the sum of fifty thousand pounds of sterling money of Great Britain.

Mayor and Council to issue Debentures, form, &c.

4. It shall be lawful for the Mayor and Town Council for the time being to cause to be issued Debentures under the seal of the said Corporation, to be signed by the Mayor and countersigned by the Treasurer of the said Town and the Secretary of

of the said Commissioners, in such sums either in sterling or current money, or part in one and part in the other, not exceeding, in the whole, the sum of fifty thousand pounds sterling, as the Town Council shall from time to time direct and appoint; and the principal moneys and interest secured by the said Debentures shall be made payable either in this Province, in Great Britain, or elsewhere, or part in one place and part in another, and at such times as the said Council shall deem expedient; and further, the said Debentures shall, on the face thereof, respectively express that they are secured on the property aforesaid.

How the Debentures shall be disposed of, &c.

5. It shall be lawful for the said Commissioners either to exchange such Debentures for outstanding Harbour or other Debentures, or to pay the same to contractors and others holding claims against the said Town, or to negotiate the same as aforesaid, and also to issue new Debentures, if required, from time to time, upon which to raise funds to retire those which shall be outstanding; Provided that a larger amount than the said sum of fifty thousand pounds sterling shall not be at any time chargeable against the said Trust property.

Never to exceed £50,000.

Special rate to be levied for paying the Debentures.

6. In addition to the security of the rents, dues, revenues and profits aforesaid, the Corporation shall levy a special rate of one shilling and three pence in the pound upon all the taxable property in the said Town, (the annual value of which amounts, according to the assessment of last year, to thirty-three thousand eight hundred and six pounds, eight shillings and three pence) yearly and every year, at the same time and in the same manner as the ordinary assessments are collected, until the whole of the said Debentures are paid; and the moneys so collected shall be paid over by the said Corporation to the said Commissioners, to be by them exclusively applied, along with the rents, dues and profits aforesaid, in the first place, towards the liquidation of the interest accruing on the said Debentures, and secondly, to establish a Sinking Fund of one per cent per annum on the amount of outstanding Debentures, the same to be invested by the Trust Commissioners in Government Securities, and the surplus, if any, to be repaid to the said Corporation for Town purposes: And the Harbour shall be under the control of the said Commissioners, who shall use and exercise all the powers and duties respecting the same and respecting the regulation and collection of the Harbour dues, the appointment of officers, and generally all other powers which are now possessed by the said Corporation.

How to be applied.

Proviso: as to Harbour.

Harbour dues to be paid over to the Commissioners.

Commissioners named.

7. The following persons shall be the Commissioners of the said Trust, as soon as this Act shall go into operation, that is to say: the Honorable George Strange Boulton, Ebenezer Perry, Sidney Smith, Andrew Jeffrey and Asa A. Burnham, all of Cobourg aforesaid; and they shall hold all the said property in fee simple upon the trusts aforesaid.

8.

Vacancies to be filled by the Town Council.

8. In the event of the death, removal, absence or resignation of any of the said Commissioners, the vacancy or vacancies shall be filled from time to time by the Town Council, who shall have power at any meeting specially called for that purpose, to appoint a new Commissioner in the room of any Commissioner so dying, removing or absenting himself from the town, or resigning his office, and thereupon the said property shall vest in such new Commissioner along with the Commissioner or Commissioners who shall still retain office, upon the same trusts as are hereinbefore declared.

No further debt to be incurred by the Corporation.

9. It shall not be lawful for the said corporation to incur any further debt or liability beyond the current expenses, to be paid for out of the annual assessment, without the sanction of the Legislature; and any such contract or undertaking by the said Corporation shall be utterly void and of no effect; Provided, nevertheless, that the members of the said Corporation, who shall authorize any such contract or undertaking, shall be held personally liable therefor.

Proviso.

Inconsistent enactments repealed.

10. So much of the Act of the Parliament of Canada, passed in the session held in the thirteenth and fourteenth years of Her Majesty's reign, chapter eighty-three, as is inconsistent with this Act, and all other Acts or parts of Acts inconsistent with this Act, so far only as the same are applicable to the Town of Cobourg, are hereby repealed:

Saving Proviso.

Provided always, that nothing herein shall affect, prejudice or delay any lien, claim or security upon the said property or the said town, but the same shall stand good and unaffected hereby until satisfaction is made by means of the debentures so to be issued as aforesaid or otherwise.

Corporation to be liable beyond the property and special rate pledged as aforesaid.

11. Notwithstanding any thing herein contained, the said debentures, so to be issued as aforesaid, shall not be confined to the security of the said property, but the same shall be chargeable against the inhabitants and rate-payers generally, and may be sued and collected in the same manner as debts due by municipalities, under the existing laws.

Certain Courts to be held in the Town Hall of Cobourg after Proclamation.

12. It shall be lawful for the Governor in Council, by a proclamation to be published in the *Canada Gazette* upon application by the County Council of the United Counties of Northumberland and Durham, to direct and appoint that from and after a day to be named in such proclamation, the sittings of the several Courts of Assize and Nisi Prius, Oyer and Terminer and General Gaol Delivery, and General Quarter Sessions of the Peace, and the County Court for the United Counties of Northumberland and Durham, shall be holden in the Town Hall in and for the Town of Cobourg; and from and after such day the sittings of the said Courts may be lawfully holden in the said Town Hall, and the same shall be to all intents

intents and purposes the Court House for the said United Counties.

How the compensation for the use of the Town Hall shall be fixed, if not agreed upon by the Commissioners and the County.

13. To fix the compensation to be paid by the said United Counties for the use of the Town Hall, or so much thereof as may be used or required for the purposes aforesaid, if the said Commissioners and the said County Council cannot agree thereon, one indifferent person shall be named by the County Council of the said Counties, one by the said Commissioners, and they two shall name a third, who, or a majority of them, shall have the right, upon such proclamation being issued, to fix the amount of such compensation; but the said Counties shall not, nor shall either of them in any way, be liable for the cost of constructing the said Town Hall or any part thereof.

Council may lease the property pledged.

14. The said Commissioners shall have power to make any leases of the said properties, or any or either of them or any part thereof, and to collect the rents and apply the same to the purposes aforesaid.

Public Act.

15. This Act shall be a Public Act.

CAP. LXXIII.

An Act to consolidate the debt of the Town of Galt.

[*Assented to 4th May*, 1859.]

Preamble

WHEREAS the Corporation of the Town of Galt have petitioned to be authorized by law to borrow on the debentures of the said Town a sum not exceeding sixty-four thousand dollars, for certain purposes and under certain restrictions in the said petition set forth, and it is expedient that the prayer of their said petition should be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Council may raise not exceeding £16,000 by loan.

1. It shall be lawful to and for the Mayor and Council of the said Town of Galt to raise by way of loan upon the credit of the debentures hereinafter mentioned, from any person or persons, body or bodies corporate, either in this Province or in Great Britain or elsewhere, who may be willing to lend the same, a sum of money not exceeding the sum of sixty-four thousand dollars of lawful money of Canada.

Mayor to issue Debentures under direction of Council.

2. It shall be lawful for the Mayor of the said Town of Galt, from time to time, to cause to be issued debentures of the said Town under the Corporation seal, signed by the Mayor and countersigned by the Treasurer of the said Town for the time being, in such sums not exceeding in the whole the said sum of sixty-four thousand dollars, as the Council shall direct and

appoint, and the principal sum secured by the said debentures and the interest accruing thereon, shall be made payable either in this Province, in Great Britain or elsewhere, as the said Council shall deem expedient or necessary.

Application of said loan to redemption of outstanding Debentures.

3. So much of the said loan so to be raised as aforesaid as shall be necessary for the purpose, shall be applied by the said Mayor and Council of the said Town of Galt to the redemption of the outstanding debentures thereof; And the Treasurer of the said Town is hereby authorized and empowered, on receiving instruction so to do from the Town Council, to call in such outstanding Debentures, and to discharge the same with the funds raised under this Act or to cause to be substituted therefor Debentures to be issued under this Act, as may be agreed by and between the said Corporation and the holders of such outstanding Debentures.

Special rate for discharge of Debentures issued under this Act.

4. For the payment, satisfaction and discharge of the Debentures to be issued by virtue of this Act, it shall and may be lawful for the Council of the said Town of Galt, and they are hereby required to impose a special rate per annum, (over and above and in addition to all other rates to be levied in each year, and over and above the interest to be payable on such debentures) which shall be sufficient to form a sinking fund of two per cent. per annum for that purpose.

How moneys so raised shall be invested

5. It shall be the duty of the Treasurer of the said Town of Galt, from time to time, to invest all sums of money raised by special rate for the sinking fund provided in this Act, either in the debentures provided for by this Act, or in any debentures issued by the Government of Canada, or in such other securities as the Governor of this Province shall by Order in Council direct or appoint, and to apply all dividends or interest on the said sinking fund to the extinction of the debt created by this Act.

Council may repeal previous By-laws authorizing special rates, when the Debentures are redeemed.

6. For and notwithstanding any provision, clause, matter or thing contained in any Act of the Parliament of this Province to the contrary, it shall and may be lawful for the Council of the said Town of Galt, after having called in and paid such outstanding debentures, to repeal the By-laws of the said Council or of the Council of the late Village of Galt, authorizing the levying of special rates for the purpose of paying and satisfying the same.

Certain provisions of 18, 20 V. c. 133, not to apply to this Act.

7. The provisions of the Statute of this Province, passed in the eighteenth year of Her Majesty's Reign, chaptered one hundred and thirty-three, and intituled, *An Act to require that all By-laws of City, Town, Village or Township Councils in Upper Canada, for raising money upon the credit of such City, Town, Village or Township Corporations, shall be approved by a majority of the Municipal Electors before they come into force*, shall

shall not apply to this Act, nor to any By-law or By-laws to be passed under the authority thereof.

8. This Act shall be deemed a Public Act. Public Act.

CAP. LXXIV.

An Act to enable the Municipal Corporation of the Town of Dundas to consolidate its debt, and to issue new Debentures for the redemption thereof.

[*Assented to 4th May*, 1859.]

WHEREAS the Municipal Corporation of the Town of Dundas, have, by their petition set forth, that their indebtedness by outstanding Debentures of the said Town and sundry open accounts, amounts, with the interest thereon, to one hundred and twenty-eight thousand one hundred and eleven dollars and thirty-three cents, which they desire to consolidate and discharge by the issue of new Debentures, in such sums and payable at such periods and places as they may deem advisable, and it is expedient that the prayer of their said petition should be granted; subject to their liability under the Consolidated Municipal Loan Fund Act: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. It shall and may be lawful for the said Corporation of the Town of Dundas, from time to time to call in the outstanding Debentures of the said Town, and to issue new Debentures under the Corporation Seal, signed by the Mayor, and countersigned by the Treasurer of the said Town of Dundas, for the time being, in such sums not exceeding in the whole the said aggregate sum of one hundred and twenty-eight thousand one hundred and eleven dollars and thirty-three cents, and payable at such periods as the said Corporation shall direct and appoint; and the principal sum or sums secured by the said new Debentures, and the interest accruing thereon, shall be made payable either in this Province, in Great Britain, or elsewhere, as the said Corporation shall deem expedient or necessary. The Corporation of Dundas may issue Debentures for $128,111 33c.

2. All funds that may be derived from the negotiation or sale of the said Debentures, or any of them so to be appropriated as aforesaid, shall, when received, be deposited by the Mayor of the said Town, for the time being, in any chartered or incorporated Bank or any of its agencies in this Province, on such conditions as the said Corporation shall from time to time agree upon, and shall only be withdrawn therefrom as they may from time to time be required for the payment and redemption of the said outstanding Debentures and debts, in the next preceding section of this Act mentioned. Proceeds to be deposited for the purposes of this Act.

When outstanding Debentures are called in, By-laws authorizing them may be repealed.

3. For and notwithstanding any provision, clause, matter or thing contained in any Act of the Parliament of this Province to the contrary, it shall and may be lawful for the Corporation of the said Town of Dundas, after having called in the outstanding Debentures of the said Town, and having satisfied and discharged the same, to repeal all by-laws of the said Corporation authorizing the same, and declaring a special rate for the payment thereof.

Special rate for paying off the Debentures.

4. And for the payment, satisfaction and discharge of the Debentures to be issued by virtue of this Act, it shall and may be lawful for the Corporation of the said Town, in a by-law to be passed authorizing the issuing of the Debentures aforesaid, to impose a special rate per annum, to be called the "Consolidated Debenture Rate," (over and above and in addition to all other rates to be levied in each year,) which shall be sufficient to form a Sinking Fund of two per cent. per annum for that purpose.

Sinking Fund.

Mayor to invest the Sinking Fund.

5. It shall be the duty of the Mayor of the said Town of Dundas, from time to time, to invest all sums of money raised by special rate for the Sinking Fund provided in the next preceding section, either in the Debentures to be issued under this Act, or in any Debentures issued by the Government of Canada, or in such other securities as the Governor of this Province shall by Order in Council direct or appoint, and to apply all dividends or interest on the said Sinking Fund to the extinction of the said Debentures to be issued under this Act.

By-laws under this Act not to be repealed until the debt is paid.

6. Any by-law to be passed under the fourth section of this Act, authorizing the issue of the said Debentures, or any part thereof, shall not be repealed until the debt created thereby under this Act, and the interest thereon, shall be paid and satisfied, and the two hundred and twenty-second section of the Upper Canada Municipal Corporations Act shall extend to any by-law passed under this Act.

Act not to affect liability of Corporation under C. M. L. F. Acts.

7. Nothing in this Act shall in any way alter, affect or diminish the liability of the said Corporation in respect of Debentures issued on its behalf, on the security of the Consolidated Municipal Loan Fund of Upper Canada.

Public Act.

8. This Act shall be deemed a Public Act.

CAP. LXXV.

An Act to authorize the Corporation of the United Counties of Huron and Bruce to levy the rate imposed for Gravel Roads, by a certain By-law of the said United Counties.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS the Municipal Corporation of the United Counties of Huron and Bruce did by By-law, passed by the said Corporation on the twenty-first day of June, in the year of our Lord one thousand eight hundred and fifty-six, authorize the issue of Debentures of the said United Counties, to the amount of one hundred thousand pounds, and did, for the payment of the interest thereon, and the sinking fund of two per cent. required by law, in and by the said By-law direct that a rate of one penny and thirteen twenty-fourths of a penny in the pound should be raised on the whole rateable property of the said United Counties, which for the previous financial year had been valued at the sum of one million four hundred and sixty-three thousand seven hundred and seventy-eight pounds; And whereas the sum estimated to be raised on the said value was eleven thousand pounds per annum, which is more than the said rate so directed to be imposed would produce, whereby the said By-law is rendered liable to grave doubts as to its legality; And whereas the present rateable value of the property of the said United Counties is upwards of two millions of pounds, and the imposition of the said rate in the said By-law, is sufficient to produce the said sum of eleven thousand pounds per annum on such valuation; And whereas large sums of money have been advanced by the said United Counties on the credit of the Debentures issued under the said By-law, and the said United Counties are desirous of keeping faith with their creditors, and have prayed for legislative relief in the premises, which it is desirable they should receive: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Notwithstanding any defect in the said By-law, the special rate therein mentioned shall be levied until 1st August, 1876.

1. For and notwithstanding any defect in the said By-law, there shall be assessed, levied and raised upon the whole rateable property within the said United Counties of Huron and Bruce, for the purpose of providing for the payment of the Debentures issued under the said recited By-law, and the interest thereon, a special rate in each year, during the continuance of the said Debentures, or any part of them, over and above and in addition to all other rates and taxes whatever, that is to say, in each year from henceforth until and ending on the first day of August, one thousand eight hundred and seventy-six, one penny and thirteen twenty-fourth parts of a penny in the pound: and the same shall be applied according to the provisions made by the said recited By-law.

Public Act.

2. This Act shall be deemed a Public Act.

CAP.

CAP. LXXVI.

An Act to sanction a certain agreement between the County of Wellington and the Townships of Waterloo, Wilmot, Woolwich and Wellesley, concerning the Guelph and Dundas Road Debt.

[*Assented to 4th May*, 1859.]

Preamble. WHEREAS certain verdicts having been obtained by the Municipal Council of the County of Wellington, against the Municipalities of the Townships of Waterloo, Wilmot, Woolwich and Wellesley, for the shares of the debt incurred for the construction of the Guelph and Dundas Road, payable by the said Townships respectively up to the time of commencement of suit, the said Townships being also liable for their respective shares of the residue of the said debt, pursuant to the eighth section of the Act of the Parliament of this Province, passed during the Session thereof, held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to make certain alterations in the Territorial Divisions of Upper Canada*, it was thereupon agreed by instrument, bearing date the Tenth day of November, one thousand eight hundred and fifty-eight, on the part of the said County, and the said Townships respectively,—that the amounts of the judgments founded on the said verdicts should be paid in three equal parts, the first on or before the first day of January, one thousand eight hundred and fifty-nine, the second on or before the first day of January, one thousand eight hundred and sixty, and the third on or before the First day of January, one thousand eight hundred and sixty-one, with interest on the whole of the said amounts,—that the total amount of the said Townships' shares of the said debt not included in the said verdicts should be reduced by the amount of one thousand five hundred pounds currency, the reduction to be apportioned among the said Townships in the same proportion as their respective liabilities, pursuant to the said section of the said cited Act, so as that each of the said Townships should have the benefit of a share of the said sum of one thousand five hundred pounds in that ratio, the said reduction to be applicable to the earliest maturing debentures constituting the said debt,—and that the lien, claim or claims of the said respective Townships on the said Guelph and Dundas Road should be entirely abandoned: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

14, 15 V. c. 5.

Agreement confirmed. 1. The said agreement shall be deemed to be legal and binding upon all parties concerned.

Proportions in which the se- 2. The proportion of the assessment of the Township of Waterloo, for the year one thousand eight hundred and forty-eight,

on

on which the Corporations of the Town of Berlin and the Villages of Preston, Waterloo and Hespeler, shall be responsible for their respective shares of the amount paid and payable in respect of the said debt, shall be as follows: Berlin £8897 13s.,—Preston £7528,—Waterloo Village £5250,—Hespeler £2179: and the proportion of the assessment of the Township of Wilmot for the said year, on which the Corporation of the Village of New Hamburg shall be responsible for its share of the amount paid and payable in respect of the said debt, shall be £3086 18s. veral Towns and Villages shall be responsible.

3. This Act shall be deemed a Public Act. Public Act.

CAP. LXXVII.

An Act to enable the Corporation of the Township of Sarnia to purchase from the Crown a certain tract of land reclaimed by the Draining of Lake Wawanosh, and to dispose of the same.

[*Assented to 4th May*, 1859.]

WHEREAS by virtue of the Act twentieth Victoria, chapter one hundred and fifteen, the Township Council of the Township of Sarnia, in the County of Lambton, have expended a large sum of money in and about the draining of Lake Wawanosh, and by so doing have not only promoted the progress and settlement of the said Township, but have, at the same time, reclaimed from the said Lake several thousand acres of land; And whereas, with a view to indemnify to some extent the said Township for the outlay in the premises, it is expedient to authorize the Council thereof to purchase and hold of and from the Government of this Province, and to sell or otherwise dispose of, an extent not exceeding one thousand acres of the land so reclaimed as aforesaid: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. The Township Council of the Township of Sarnia, in the County of Lambton, may purchase from the Government of this Province, at a price to be fixed upon by the Governor in Council, and which price the Governor in Council is hereby authorized to fix, an extent not exceeding one thousand acres of the lands reclaimed by the draining of Lake Wawanosh, in the said Township; and the said lands may be granted accordingly to the Corporation of the said Township, and the purchase of the said lands shall be one of the purposes for which the said Corporation may raise moneys by assessment or otherwise, or may apply any of its funds; and the said Corporation may possess and hold the said lands so purchased, and may, whenever they deem it expedient, sell or otherwise depart with or dispose thereof, in like manner as they may by law Township may purchase one thousand acres of the land drained and dispose of the same, &c.

law sell or dispose of other property, and upon such terms and conditions and with such mortgages upon the lands so sold, or other security for the purchase money or any portion thereof unpaid, as they may deem most advantageous and profitable. and the proceeds of the sale of such lands shall form part of the general funds of the Municipality of the said Township.

Public Act. 2. This Act shall be deemed a Public Act.

CAP. LXXVIII.

An Act to legalize the By-law number one hundred and thirty-seven, of the United Counties of Peterborough and Victoria, for raising a certain sum of money therein mentioned.

[*Assented to 4th May*, 1859.]

Preamble. WHEREAS doubts have arisen as to the legality of the By-law number one hundred and thirty-seven of the County Council of the United Counties of Peterborough and Victoria, authorizing the issue of Debentures to the amount of six thousand pounds, for the purposes therein mentioned; And whereas Debentures have been issued under the said By-law, and the said Municipality hath petitioned to have such doubts removed and the said By-law declared valid: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

The said By-law and Debentures issued under it declared valid. 1. The said By-law, for and notwithstanding such doubts and any irregularities in the passing of the said By-law, or matters preliminary thereto, or any insufficiency at law therein either in substance or form, is hereby legalized and made valid, and shall be held to have been valid from the time of the passing thereof; and all Debentures issued and proceedings and dealings heretofore made and had, or hereafter to be made or had, under the said By-law, are also hereby declared legal and valid.

Public Act. 2. This Act shall be deemed a Public Act.

CAP. LXXIX.

An Act to detach a certain tract of land from Streetsville, and re-attach it to School Section twenty-two, in the Township of Toronto.

[*Assented to 4th May*, 1859.]

Preamble. WHEREAS it has been shown by the petition of the Chairman of the Board of School Trustees of the Village of Streetsville, and the Trustees of the Union School Section twenty-two,

two, in the Township of Toronto, that great injustice has been done by the detachment of the west halves of lots seven and eight, in the sixth concession of the Township of Toronto, from the said Union School Section: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain half lots re-attached to Section 22, Township of Toronto.

1. From and after the passing of this Act the west halves of lots seven and eight, in the sixth concession of the Township of Toronto, shall be re-attached to the Union School Section number twenty-two, in the Township of Toronto, as heretofore, for Common School purposes.

Sum levied for Union School to be the same in Toronto as in Trafalgar.

2. The sum to be levied at any time by the Trustees of the said Union School, by assessment upon the taxable property in the said Township of Toronto, shall be the same as the sum to be levied by assessment upon the taxable property in the Township of Trafalgar, though the value of the rateable property in that part of the school section which lies in the one Township, should not be the same as the value of that part which lies in the other.

Public Act.

3. This Act shall be deemed a Public Act.

CAP. LXXX.

An Act to annex parts of the Townships of Sombra and Dawn, in the County of Lambton, to the Townships of Chatham and Camden, in the County of Kent.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS the fact that the river Sydenham should form the boundary between the Townships of Sombra and Dawn, in the County of Lambton, and the Townships of Chatham and Camden, in the County of Kent, has been found very inconvenient to the inhabitants whose lands are divided by it; And whereas the County of Lambton is much larger than the County of Kent, and it is expedient that the boundaries between the said Counties should be the line between the fourth and fifth concessions of Sombra and the lots ten and eleven in the several concessions of the Township of Dawn: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Part of Sombra annexed to Chatham;

1. Upon, from and after the first day of January, one thousand eight hundred and sixty, all that portion of the Township of Sombra, in the County of Lambton, lying south of the line between the fourth and fifth concessions of that Township, shall be separated from Dawn and annexed to the North Gore of the Township of Chatham, in the County of Kent; and all that part

And part of Dawn to Camden.

part of the Township of Dawn, in the said County of Lambton, lying south of the line between lots ten and eleven in all the concessions, in the said Township, shall be annexed to and form part of the Township of Camden, in the County of Kent.

As to debt of Kent and Lambton.

2. Those portions of the said Townships of Sombra and Dawn which are by this Act made part of the County of Kent shall not be chargeable with any portion of the debt of the said County at the time of the passing of this Act; and the same shall remain chargeable with all debts of the County of Lambton down to the time of the passing of this Act.

Copy of part of Assessment Roll of Dawn to be furnished to Clerk of Camden.

3. The Clerk of the Township of Dawn shall furnish to the Clerk of the said Township of Camden, a copy of the assessment roll of the Township of Dawn for the present year one thousand eight hundred and fifty-nine, so far as the same contains the rateable property assessed, and the names of the owners thereof, within that part of the said Township which will be hereby annexed to the Township of Camden, and such copy shall be furnished on demand of the said Clerk of Camden at any time after the passing of this Act.

And of that of Sombra to Clerk of Chatham.

4. The Clerk of the Township of Sombra shall furnish to the Clerk of the Township of Chatham a copy of the assessment roll of the Township of Sombra for the present year one thousand eight hundred and fifty-nine, so far as the same contains the rateable property assessed, and the names of the owners thereof, within that part of the said Township which will be hereby annexed to the said Township of Chatham, and such copy shall be furnished on demand of the said Clerk of the Township of Chatham, at any time after the passing of this Act.

Seats of present Councillors saved.

5. Nothing in this Act shall affect the seat of any Municipal Councillor elected in Sombra or Dawn before the passing of this Act.

Public Act.

6. This Act shall be deemed a Public Act.

CAP. LXXXI.

An Act to divide the Township of Williams into two Municipalities.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS certain of the inhabitants of the Township of Williams, in the County of Middlesex, have, by their petition, represented that it would tend to encourage and promote the advancement and prosperity of the said Township to divide the same into two distinct Municipalities: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1.

Township of West Williams constituted;

1. Upon, from and after the First day of January next after the passing of this Act, that part of the present Township of Williams, which lies to the west of the road passing through the said Township, and called and known as the Centre Road, shall form and become for all Municipal and Election purposes, a separate and independent Township and Municipality, to be called the "Township of West Williams," and shall be such separate Municipality for all Municipal, School, Judicial and other purposes whatsoever, in the same manner to all intents and purposes as though the said western section of the Township of Williams had never formed part of the said Township, and the said Township of West Williams hereby erected, shall enjoy and exercise all the rights, powers and privileges conferred by any Acts or Laws whatsoever, upon Township Municipalities in Upper Canada.

And of East Williams.

2. The part of the Township of Williams as heretofore constituted, lying to the east of the said Centre Road, shall, on and after the said day, constitute a separate Township Municipality, by the name of the "Township of East Williams," and shall enjoy and exercise all the rights and privileges conferred upon Township Municipalities by the Acts and Laws in force in Upper Canada.

Certain sections of 22 V. c. 99 to apply.

3. The fifty-ninth, sixtieth, sixty-first, sixty-second, sixty-third and sixty-fourth sections of the Act respecting the Municipal Institutions of Upper Canada, shall apply to the division of the said Township as heretofore constituted, East Williams being reckoned the senior Township and West Williams the junior Township.

First elections in the two new Townships.

4. For the purposes of the First Municipal Elections after the passing of this Act, the Town Clerk for the Township of Williams as heretofore constituted, shall act as Returning Officer for the Township of East Williams, and the Reeve of the Township of Williams, as heretofore constituted, shall act as Returning Officer for the Township of West Williams; and the said Town Clerk and Reeve respectively shall procure, for the purpose of such Election, the necessary copies of so much of the Collector's Roll of the Township of Williams as relates to the inhabitants of the said new Townships respectively, as constituted by this Act; and the first Municipal Election for the township of East Williams, shall be held at such place in that Township as the Returning Officer therefor shall appoint, by public notice, posted up at not less than four public places in the Township, at least ten days before the Election; and the first Municipal Election for the Township of West Williams, shall be held at such place as the Returning Officer therefor shall appoint in the manner aforesaid.

Public Act.

5. This Act shall be deemed a Public Act.

CAP.

CAP. LXXXII.

An Act to separate the front of the Township of Escott from the front of the Township of Yonge, in the United Counties of Leeds and Grenville, for Municipal and other purposes.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS certain of the inhabitants of the Front of the Township of Escott have represented by their Petition, that their union with the Front of the Township of Yonge greatly retards the improvement, interest and prosperity of Escott, and have prayed for an Act to disunite and separate the Front of the Township of Escott from the Front of the Township of Yonge, and to erect the same into a separate municipality; And whereas it is desirable to grant the prayer of such Petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

After 1st January, 1860, the front of Escott to be separated from the front of Yonge, and to be a separate Municipality.

1. Upon, from and after the first day of January next after the passing of this Act, the Front of the Township of Escott shall be disunited and separated from the Front of the Township of Yonge; and the broken front, and first, second, third, fourth, fifth and sixth concessions of the said Township of Escott, together with the Islands in the River St. Lawrence in front thereof, shall, for all municipal and election purposes, form and become a separate and independent Township and Municipality, to be called "The Township of the Front of Escott," and shall be such separate municipality for all municipal, school, judicial and other purposes whatsoever, in the same manner to all intents and purposes as though the said Front of the Township of Escott had never formed part of the "Front of Yonge and Escott," and shall enjoy and exercise all the rights, powers and privileges conferred by any Acts or Laws whatsoever upon Township Municipalities in Upper Canada.

The front of Yonge to be a separate Municipality.

2. The front of the Township of Yonge, as heretofore constituted as part of the Municipality of the "Front of Yonge and Escott," shall, on and after the said day, constitute a separate Township Municipality, by the name of the "Township of the Front of Yonge," and shall enjoy and exercise all the rights and privileges conferred upon Township Municipalities by the Acts and laws in force in Upper Canada.

Provisions of Municipal Act to apply as to present debts and obligations.

3. The fifty-ninth, sixtieth, sixty-first, sixty-second, sixty-third and sixty-fourth sections of the *Act respecting the Municipal Institutions of Upper Canada*, shall apply to the dissolution of the union between the said Front of Yonge and the said Front

Front of Escott, the Front of Escott being reckoned the Junior Township, and the front of Yonge the Senior.

Who shall be Returning Officers in first Municipal Elections in the new Townships.

4. For the purposes of the first municipal Elections after the passing of this Act, the Town Clerk for the Front of Yonge and Escott shall act as Returning Officer for the Front of Yonge, and the Reeve of the Front of Yonge and Escott shall act as Returning Officer for the Front of Escott; and the said Town Clerk and Reeve respectively shall procure, for the purpose of such election, the necessary copies of so much of the Collector's roll of the Front of Yonge and Escott as relates to the inhabitants of the said new Townships respectively, as constituted by this Act; and the first Municipal Election for the Front of Yonge shall be held at such place in that Township as the Returning Officer therefor shall appoint, by public notice, posted up at not less than four public places in the Township, at least ten days before the election; and the first Municipal Election for the Front of Escott shall be held at such place as the Returning Officer therefor shall appoint in the manner aforesaid.

They shall procure copies of Collector's Rolls.

Places of Election.

Public Act.

5. This Act shall be deemed a Public Act.

CAP. LXXXIII.

An Act to confirm and establish the Road Allowances between Lots six and seven, and twelve and thirteen, from the River Thames to the line between the tenth and eleventh concessions of the Township of Howard, in the County of Kent.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS the original posts planted in the allowances for roads between lots six and seven and twelve and thirteen, in the Township of Howard, in the County of Kent, have been lost, and great doubts exist as to the true position of these lines; And whereas the roads on these lines, as now travelled, were laid out and surveyed by Richard Parr and Albert Pellew Salter, Esquires, Deputy Provincial Surveyors, and cannot be altered without great loss and inconvenience to the inhabitants settled along the same; and it is therefore expedient to establish the said roads, as now travelled, upon the lines laid out by Messrs. Salter and Parr aforesaid: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Line drawn by A. P. Salter, between lots 6 and 7 firmed.

1. The road allowance between lots numbers six and seven, in the said Township, as laid out by Albert Pellew Salter, Esquire, Deputy Provincial Surveyor, in the year one thousand eight hundred and fifty, from the River Thames to the eleventh concession inclusive, and upon which the road is now mostly made

made and travelled, is hereby confirmed and established as the true boundary between the said lots from the River Thames to the line between the tenth and eleventh concessions of the said Township, and shall be held to have been so from the time when it was so laid out.

Line between lots 12 and 13, confirmed.

2. The road allowance between lots numbers twelve and thirteen, as laid out in part by Richard Parr, Deputy Provincial Surveyor, in the year one thousand eight hundred and forty-six, and completed by Albert Pellew Salter, Esquire, Deputy Provincial Surveyor, in the year one thousand eight hundred and fifty, from the River Thames to the line between the tenth and eleventh concessions of the said Township, and upon which the road is now mostly made and travelled, is hereby confirmed and established as the true boundary between the said lots, from the River Thames to the line between the tenth and eleventh concessions of the said Township, and shall be held to have been so from the time it was so laid out.

Certain corner posts in the second concession, confirmed.

3. The posts or monuments marked, placed or planted by Alexander McIntosh, Deputy Provincial Surveyor, in the year eighteen hundred and thirty-seven, at the angles of any lots or parcels of land at the southern end of the lots in the second concession reckoned from the eastern boundary of the said Township of Howard, are hereby confirmed as the boundaries of the several lots in the south-half of the said second concession.

Public Act.

4. This Act shall be deemed a Public Act.

CAP. LXXXIV.

An Act to declare the mode in which the side lines of the lots in the Township of Torbolton, in the County of Carleton, shall be run.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS by the petition of the inhabitants of the Township of Torbolton in the County of Carleton, it appears that great inconvenience has resulted from the running of the side lines between the lots parallel to the side lines of the Township, as required by the Act hereinafter mentioned: And whereas the said inhabitants have prayed that the said lines may be drawn from post to post without regard to the course of the side lines of the Township, and it is expedient under the circumstances aforesaid, to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Side lines in Torbolton to

1. For and notwithstanding any thing to the contrary in the thirty-fifth, thirty-sixth and thirty-seventh sections of the Act passed

passed in the twelfth year of Her Majesty's reign, and intituled, *An Act to repeal certain Acts therein mentioned, and to make better provision respecting the admission of Land Surveyors and the survey of lands in this Province*,—all the side lines between lots in the said Township of Torbolton shall be so drawn that the side line between any contiguous lots in any concession of the said Township, shall be a line drawn from the post at one end of the concession to the post planted at the same side of the lot bearing the same number at the other end of the concession; and any line so drawn shall be deemed to be the true side line of the lots between which it shall be drawn; subject nevertheless to the provisions of the said Act relative to the breadth of lots and the mode of ascertaining such breadth where the original posts or monuments cannot be found, which provisions shall in any such case apply equally to the posts or boundaries at both ends of the concession; Provided that in case any party should by reason of this Act suffer any injury or damage, such party shall be compensated by the party or parties benefitted by such change; the compensation so to be paid and the persons to pay and receive the same, shall be ascertained by a sworn Surveyor, appointed by the Commissioner of Crown Lands, and his decision, when approved of by the Commissioner of Crown Lands, shall be final.

be drawn from post to post, notwithstanding 12 V. c. 35.

Subject to certain provisions of the said Act when the posts cannot be found.

Proviso: compensation to be paid by parties benefitted, to parties losing by this Act.

2. This Act shall be deemed a Public Act.

Public Act.

CAP. LXXXV.

An Act to confirm the Survey of the Second Concession Line of the Township of Caistor.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS the line in front of the second concession of the Township of Caistor was not drawn in the original Survey of the said Township; And whereas it appears from the Report of Provincial Land Surveyor, Andrew Hood, dated tenth March, one thousand eight hundred and fifty-eight, who was instructed by the Commissioner of Crown Lands, on the application of the Municipality of the said Township, to survey the said concession line, in conformity with the provisions of the Provincial Statutes, twelfth Victoria, chapter thirty-five, and eighteenth Victoria, chapter eighty-three, that if the line was so drawn it would interfere with the holdings of the proprietors of the lots in the said Second Concession, and in the First Concession; but whereas the said Provincial Land Surveyor, Andrew Hood, at the request of the said Municipality, has made a Survey of the Line in front of the said Second Concession, and planted monuments at the angles of the lots therein, in conformity with the holdings of the several proprietors of the lots in both Concessions, and the said proprietors

12 V. c. 35.
18 V. c. 83.

proprietors have petitioned to have the said Survey established by authority of the Legislature, and it is expedient to comply with their request: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Line drawn by A. Hood declared valid, and also corner posts planted by him.

1. The Line surveyed by the said Provincial Land Surveyor, Andrew Hood, at the request of the said Municipality, shall be, and is hereby declared to be the true and unalterable front boundary line of the said Second Concession; and the monuments planted thereon by the said Provincial Land Surveyor, Andrew Hood, to designate the limits and angles of the respective lots shall be, and are hereby declared to be, the true and unalterable limits and angles of the respective lots in the said Second Concession, any law, usage or custom to the contrary thereof in any wise notwithstanding.

Copies of plan to be deposited.

2. One copy of Provincial Land Surveyor Andrew Hood's report and plan of Survey of the said Concession, shall be deposited in the office of the Commissioner of Crown Lands, and another copy in the office of the Registrar for the County of Lincoln.

CAP. LXXXVI.

An Act to enable the Trustees of certain School Lots in the Town of Prescott to convey the said School Lots to the Grammar and Common School Trustees of the said Town, and for other purposes.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS Alpheus Jones, Justus S. Merwin, John Patton, William J. Scott, Hamilton Dibble Jessup, the Revd. Robert Boyd and Alfred Hooker, the Trustees of certain School Lots, in the Town of Prescott, hereinafter described, held by deed of conveyance from Hamilton Dibble Jessup, of the said Town of Prescott, have, by their petition to the Legislature, represented that the said Hamilton Dibble Jessup did, under the provisions of an Act of the Parliament of Canada, passed in the twentieth year of the Reign of Her Majesty Queen Victoria, chapter two hundred and twenty-two, intituled, *An Act to enable the Trustees of a certain School Lot in the Town of Prescott to sell the said Lot, and for other purposes*, by an indenture bearing date the ninth day of January, in the year of our Lord, one thousand eight hundred and fifty-eight, convey to Alpheus Jones, Justus S. Merwin, John Patton, William J. Scott, Hamilton Dibble Jessup, the Honorable Samuel Crane, the Reverend Robert Boyd, the Reverend Robert Blakey and Alfred Hooker, the Trustees of the said School Lots, and to their successors in office, in trust forever for a Public School, the following

22 V. c. 222.

following lands and premises, namely: All and singular that certain block of land in the Town of Prescott and County of Grenville, and Province of Canada, consisting of those thirteen several Town Lots in the town of Prescott aforesaid; bounded towards the north by Hyde street, towards the west by Zaire street, and towards the south by Jessup street; and which said lots may be otherwise known and described as lots numbers seven, eight, nine and ten, on the south side of Hyde street aforesaid, lot number thirteen, on the corner of Hyde and Zaire streets, being the south side of Hyde street, and the east of Zaire street aforesaid, lots numbers twelve, thirteen and fourteen, on the east side of Zaire street aforesaid, lot number eleven, on the corner of Zaire street and Jessup street aforesaid, being the east side of Zaire street and north side of Jessup street aforesaid, and lots numbers seven, eight, nine and ten, on the north side of Jessup street aforesaid, and which said lots and streets are respectively numbered and named and of the dimensions as laid down and described on a map or plan of the Town of Prescott, lately prepared for the said Hamilton Dibble Jessup, by James West, Provincial Surveyor, and which said block of thirteen lots aforesaid may be further known and described as follows, that is to say: commencing on the south side of Hyde street aforesaid, at the north-east corner of the said lot number seven south of Hyde street; thence, westerly, along the south side of Hyde street aforesaid, three hundred feet to the east side of Zaire street aforesaid; thence, southerly, along the east side of Zaire street, two hundred and seventy-two feet six inches to the north side of Jessup street aforesaid; thence, easterly, along the said north side of Jessup street aforesaid, three hundred feet to the south-east angle of the said lot number seven, north of Jessup street; thence, northerly, parallel with Zaire street aforesaid, two hundred and seventy-two feet six inches to the place of beginning; containing by admeasurement eighty-one thousand seven hundred and fifty square feet of land, more or less:

And whereas the said Trustees have further represented, that lot number thirteen, on the corner of Hyde and Zaire street, being the south side of Hyde street and the east side of Zaire street aforesaid, and lots numbers twelve, thirteen and fourteen on the east side of Zaire street aforesaid, and lot number eleven on the corner of Zaire street and Jessup street aforesaid, being the east side of Zaire street and north side of Jessup street aforesaid, being a portion of the hereinbefore described school lots, should be appropriated for Grammar School purposes, and that the remaining eight lots, being lots numbers seven, eight, nine and ten, on the south side of Hyde street aforesaid, and lots numbers seven, eight, nine and ten on the north side of Jessup street aforesaid, being a portion of the school lots hereinbefore first described, should be appropriated for Common School purposes.

And whereas the said Trustees are desirous of having the power to convey the said above mentioned School Lots as hereinafter is provided: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Power to convey the said lots—

1. It shall be lawful for the Trustees of the hereinbefore described School Lots, and their successors, or a majority of them, to alienate and convey by a deed of conveyance under hands and seals, such title as they may have in and to the said School Lots as follows:

To the Trustees of the Grammar School;

1. Lot number thirteen on the corner of Hyde and Zaire street, being the south side of Hyde street and the east side of Zaire street aforesaid, lots numbers twelve, thirteen and fourteen on the east side of Zaire street aforesaid, and lot number eleven on the corner of Zaire street and Jessup street aforesaid, being the east side of Zaire street and north side of Jessup street aforesaid, to the Trustees of the Grenville County Grammar School, in trust forever, for the purposes of the said Grammar School, and for erecting thereon a Grammar School House and buildings for the purposes of the said Grammar School;

To the Trustees of the Common Schools.

2. Lots numbers seven, eight, nine and ten on the south side of Hyde street aforesaid, and lots numbers seven, eight, nine and ten on the north side of Jessup street aforesaid, to "the Board of Common School Trustees of the Town of Prescott, in the County of Grenville," in trust forever, for the purposes of the said Common School or Schools under their charge, and for erecting thereon a School House or houses and buildings for the purposes thereof.

Public Act.

2. This Act shall be deemed a Public Act.

CAP. LXXXVII.

An Act to vest the title to certain lands in the Joint Board of Grammar and Common School Trustees of School Section Number One, in the Township of Ernestown.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS by Letters Patent of His late Majesty King George the Fourth, under the Great Seal of Upper Canada, bearing date on the first day of August, in the first year of the Reign of his said late Majesty, certain lands, consisting of lot number thirty-one, with its broken front, in the first Concession of the Township of Ernestown, in the County of Addington, in Upper Canada, containing three hundred acres of land, were granted unto John Stoughton, Episcopal Missionary, Colin

Colin McKenzie, Esquire, and Sheldon Hawley, Esquire, Church-wardens of St. John's Church, in the Town of Bath, in said Township of Ernestown, to have and to hold the same lands and tenements to them, their heirs and assigns for ever upon the uses and trusts thereinafter contained concerning the same, that is to say, upon trust to hold the said lands and tenements for the maintenance and support of a public School to be established in and for the Town of Bath; which said patent contains a proviso for the appointment of new trustees from time to time in case that any of the said trustees should die, or be unwilling or unable to discharge their duties in respect of the said trust, and for the forfeiture of the said patent for non-performance of the trusts, conditions, limitations and provisions therein contained; And whereas the said trustees executed the said trust during their lifetime by employing the moneys arising from the said lands in the maintenance and support of a Public School in the said Town of Bath, until the Common School in School Section Number One, in the said Township of Ernestown, was established in the said Town of Bath, after which time the issues and profits of said lands were paid over to the Common School Trustees of said School Section; And whereas two of the Trustees mentioned in the said patent, namely, John Stoughton and Sheldon Hawley, died, leaving the said third Trustee, Colin McKenzie, them surviving; and the said Colin McKenzie afterwards died in the year one thousand eight hundred and fifty-one, leaving no sons and four daughters him surviving, namely, Mary, the wife of Orton Hancox, Sarah, widow of George McKenzie, Lucretia McKenzie, Spinster, and Caroline, wife of Robert Stewart, all of whom are now alive; And whereas no new trustees were ever appointed under the provisions of said patent, and it is desirable that the disposition heretofore made of such trust moneys should be declared to be lawful, and that the title in the said lands should be vested in the Joint Board of Grammar and Common School Trustees of School Section Number One, in the Township of Ernestown: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Lands aforesaid vested in the Joint Board of Grammar and Common School Trustees of Ernestown.

1. The Lands above mentioned, which are butted and bounded as the same are described in the said letters patent, shall be, and the same are hereby granted to and vested in the Joint Board of Grammar and Common School Trustees, of School Section Number One, in the Township of Ernestown aforesaid, and their successors and assigns for ever, in trust to hold the same, to and for the maintenance and support of the Grammar and Common School in the said School Section Number One, in the Township of Ernestown.

Patent declared in force.

2. The said patent is hereby declared to be in force, and not forfeited up to the time of the passing of this Act.

Disposition of Funds declared lawful.

3. The disposition of the funds arising from the said lands, heretofore made, is hereby declared to be lawful.

CAP. LXXXVIII.

An Act for the protection of Bridges over the River Welland.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS the River Welland forms the boundary line between a portion of the county of Lincoln and a portion of the county of Welland, and also forms the boundary line between certain townships in the said county of Welland; And whereas the Municipal Council of the county of Welland have recently erected several substantial bridges over the said river, within the limits of the said county, and have taken the charge and care of other bridges previously erected over that stream also within the said limits, and are about to erect, jointly with the Municipality of the county of Lincoln, other bridges over the said river, all of which are and will be a great convenience to the inhabitants generally in the vicinity thereof; And whereas doubts have arisen whether that part of the said river above the point where the Welland Canal connects with the Welland river below Port Robinson and above the Welland Canal Aqueduct at Welland is a "navigable stream," within the proper and legal mean of the expression "navigable stream," and whether penalties can be lawfully enforced against persons damaging or removing such bridges; And whereas the Municipal Council of the county of Welland aforesaid have by their petition prayed that the said doubts may be removed, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain bridges declared to be public bridges and the property of the Counties of Lincoln and Welland respectively or jointly.

Exception.

1. All bridges now erected or hereafter to be erected over that part of the river Welland extending above the point where the Welland Canal connects with the Welland river below Port Robinson and above the Welland Canal Aqueduct at Welland, in the said county of Welland, which shall by a by-law or by-laws of the Municipal Council of the county of Welland, or of the Municipal Council of the county of Lincoln, be declared to be public bridges, and to be, excepting the Welland Railway bridge which shall be maintained and controlled by said Railway Company, the openings of which shall not be less than are provided by this Act for the county bridges, under the charge and care of either of the said Municipal Councils, or under the charge and care of the said Municipal Councils conjointly, (which by-law and by-laws the said Municipal Councils and their successors are hereby severally authorized from time to time to pass, as occasion shall require, and again at their pleasure to repeal, shall be deemed and taken to have been and to be lawfully erected bridges, and such of them, with the approaches thereto, as are or shall be situate wholly within the limits of either of the said counties shall be the property of the county within the limits of which it or they may be so situate,

and

and such as are or shall be over that part of said stream forming the boundary line between the said counties shall be the joint property of the counties of Lincoln and Welland: Provided always, that every bridge hereafter to be erected over the said river, between the said aqueduct and the bridge called "Tisdale's Bridge" upon the town-line dividing the townships of Caistor and Gainsborough, shall have an opening between the bents in the channel of the stream of not less than twenty-five feet, in the clear, to admit of the passage of vessels, boats, scows, or other craft and rafts navigating the said stream, and shall be of the uniform height of not less than twelve feet at such opening above the ordinary level of the water in the said stream.

Proviso: as to certain openings of the said bridges.

2. Any person or persons whosoever who shall, after the passing of a by-law or by-laws as mentioned in the preceding section of this Act, with a vessel, boat, scow, or other craft or raft, or by any other means howsoever, destroy, remove, or damage, or break, cut or alter any bridge or bridges, or any part thereof, or of the approach or approaches thereto, named and declared in such by-law or by-laws to be a public bridge, shall be liable to a penalty equal to the value of such bridge or bridges at the time the same may have been so destroyed or removed, or equal to the amount of damage done to such bridge or bridges, as the case may be, and to a further penalty not exceeding the sum of twenty dollars, together with the costs of suit, to be recovered in the summary way hereinafter provided.

Penalty on persons destroying or injuring such bridges.

3. When any such bridge or bridges shall be destroyed, removed, or damaged, broken, cut, or altered by means of collision therewith by any vessel, boat, scow, or other craft or raft in the manner hereinbefore mentioned, it shall be lawful for any person or persons to make information and complaint thereof before some Justice of the Peace having jurisdiction in either of the said counties of Lincoln or Welland, upon oath, setting forth the facts, in so far as they have come to his or their knowledge, and thereupon such Justice shall issue a summons against the person or persons named or described in such information and complaint, requiring him or them to appear at a time and place to be mentioned therein, to answer to such information and complaint before such Justice and such other Justice or Justices as may then be assembled to hear the same; or if no such collision shall have taken place, then if the said Justice shall see fit, he may issue his warrant in the first instance to apprehend such person or persons in the like manner and with like effect as a Justice of the Peace may issue a warrant with respect to cases of summary convictions and orders generally, and may also at the time of issuing such summons or warrant, issue a warrant in the nature of an attachment under his hand and seal in the form of the schedule to this Act annexed marked A, directed to some constable or other

Summary proceedings against persons destroying or injuring such bridges.

Attachment of vessels, &c., by which the injury is done.

other peace officer within his jurisdiction, commanding him to levy upon, detain, and safely keep, any such vessel, boat, scow, or other craft, or raft, which may have been in the charge or custody of the person or persons named or described in such information and complaint, at the time the offence or offences shall be therein alleged to have been committed; and upon receiving such warrant it shall be lawful for such constable or other officer to seize and detain such vessel, boat, scow, or other craft, and the cargo therein, or raft, until the hearing of such information and complaint shall be concluded, and an order be made by the Justices hearing the same in relation thereto;

Proviso. Provided always, that any summons, warrant, or other process issued under the authority of this Act, may be executed and enforced within the limits of either of the said counties of Lincoln or Welland, without "endorsement," any thing in any law or any usage to the contrary notwithstanding.

How the amount of damage done shall be ascertained.

Three freeholders to be appointed.

4. Every information and complaint made under this Act shall be heard before at least two Justices of the Peace; and for the better enabling such Justices equitably to assess the value of or damages done to any such bridge or bridges, it shall be lawful for them in their discretion, to issue a summons in the form of the schedule hereto annexed marked B. or to the like effect, and directed to three freeholders by name, other than the complainant or complainants and defendant or defendants in such suit, forthwith to go upon such bridge or bridges, or upon the site thereof if wholly destroyed or removed, and estimate the value thereof at the time so destroyed or removed, or if only partially destroyed or removed, or injured in any manner, to estimate the damage done to the same, and to make a return, in writing, under their hands, at a time and place to be named therefor by such Justices in such summons, of the amount of such value or damage, as the case may be;

And sworn. And before proceeding to estimate such value or damage, the said Justices, or some one of them, shall administer to each of such freeholders an oath, (or affirmation, in cases where the person by law is entitled to affirm,) to the following effect:

The oath. "You solemnly swear (*or* affirm) that you will truly and "impartially, according to the best of your judgment and "ability, estimate the value of the bridge (*or* bridges) named "in the summons to you directed in this cause, at the time "the same was destroyed or removed, (*or* the damage done to "the same, *as the case may be*,) and a true return make thereof "in writing, at the time and place named in said summons. "So help you God."

Adjournment until report is made. And in case a summons shall be issued to such freeholders to assess value or damages in the manner in this section provided, it shall be lawful for such Justices to adjourn the hearing of such information and complaint from time to time, until such freeholders shall make their return in the manner herein mentioned;

mentioned; Provided firstly, that nothing in this Act contained shall prevent such Justices from adjourning the hearing of such information and complaint from time to time, whenever they shall see cause for doing so, stating in the hearing of the parties the time when and the place where the hearing of the case will be resumed; And provided secondly, that if such freeholders cannot all agree upon the value of such bridge or bridges at the time when so destroyed or removed, or upon the amount of damage done thereto, each of them may make a separate return in manner aforesaid, and such Justices shall thereupon, and after hearing such witnesses as may be brought before them on the part of the complainant or complainants and on the part of the defendant or defendants, proceed to decide and adjudge the matter, and shall convict or make an order upon the defendant or defendants, or dismiss such information and complaint, as to them shall seem proper; And provided thirdly, that the failure of such freeholders or any of them to make such return within the time limited therefor in such summons, shall not prevent such Justices from deciding and adjudging the matter of such information and complaint in manner aforesaid, upon the evidence which may be adduced; And provided fourthly, that each freeholder who may be summoned under this Act to assess value or damages, and who shall make a return as herein provided, shall receive and be paid the sum of one dollar for each day he may be engaged under such summons, and the further sum of fifty cents each for drawing up, signing and delivering such return, the same to be and form part of the costs of the suit; And provided fifthly, that each freeholder who shall be summoned as aforesaid, and who shall refuse or neglect to obey such summons, or to make such return within the time limited therefor in such summons, shall be liable to a penalty of not less than one dollar, nor more than twenty dollars, which penalty shall and may be levied and collected by warrant of distress against any sale of the goods and chattels of the person or persons so offending, to be issued summarily by the Justices who issued such summons, upon their own knowledge of the default and without other information or trial.

First Proviso.

Second Proviso.

Third Proviso.

Fourth Proviso.

Fifth Proviso.

5. All and every penalty and penalties imposed under authority of this Act, and all costs attending proceedings had in virtue hereof, shall be levied and collected by distress and sale, in the discretion of the Justices making the conviction and adjudging such penalty or penalties, of such vessel, boat, scow, or other craft or raft, as may have been attached and detained in manner hereinbefore provided, or by distress and sale of any goods and chattels belonging to the party or parties convicted, in the manner pointed out for the levying and collecting of a pecuniary penalty or compensation to be paid, in and by the Act of Parliament of this Province, passed in the sixteenth year of Her Majesty's Reign, and intituled, *An Act to facilitate the performance of the duties of Justices of the Peace, out of Sessions*

How penalties under this Act shall be levied and collected.

Sessions, in Upper Canada, with respect to summary convictions and orders, and in default of sufficient distress being found to satisfy such penalty or penalties and costs, or if any part thereof shall not be satisfied, it shall be lawful for the Justices making the conviction or adjudging such pecuniary penalty or compensation to be paid, or any two of them, to commit the person or persons convicted of the offence, or against whom such penalty or compensation to be paid shall be adjudged, to the common gaol of either of the said Counties of Lincoln or Welland, for any period not exceeding thirty days.

Committal in case of non-payment.

Application of pecuniary penalties.

6. All pecuniary penalties or compensation to be paid, which shall be recovered under authority of this Act, shall, in case the bridge or bridges in respect of which the same shall be recovered, be situate wholly within the County of Welland, be immediately paid over by the Justice or Justices recovering the same, to the Treasurer of the said County of Welland; and in case such bridge or bridges are situated partly within the County of Welland and partly within the County of Lincoln, then the one half thereof shall be paid over as aforesaid, to the said Treasurer of the County of Welland, and the other half thereof to the Treasurer of the said County of Lincoln, and shall form part of the general funds of the said Counties respectively.

Costs to defendant in case of malicious complaint.

7. If it shall appear to any such Justices, upon the trial of any such information and complaint, that the same has been made from malicious motives, it shall be lawful for such Justices to award to the defendant or defendants full costs, and to levy and collect such costs from the complainant or complainants, by distress and sale of his and their goods and chattels, and in default of finding sufficient distress to satisfy the same, the said Justices shall and may commit the complainant or complainants to the common gaol of either of the said Counties of Lincoln or Welland, for any period not exceeding thirty days, unless such costs and the costs of such distress be sooner paid; and further, if it shall appear on any such trial, to the satisfaction of such Justices, that the damage done to such bridge or bridges arose from inevitable cause or causes which the defendant or defendants could not control, then it shall be lawful for such Justices to take the circumstances thereof into consideration in making their conviction or order, and to abate such sum from the actual damage done, as to them shall seem just and equitable; And in cases where any such vessel, boat, scow or other craft or raft, shall have been attached and detained as hereinbefore provided, if it shall appear to such Justices at any time during the proceedings, or at the close thereof, that there is no longer occasion to keep such vessel, boat, scow or other craft or raft in custody, it shall be lawful for such Justices, by an order under their hands directed to the Constable or other person in charge of the same, to release such vessel, boat, scow, or other craft or raft.

Abatement if the damage was inevitable.

Release of vessel, &c, detained.

8.

Forms under 16 V. c. 178, may be used.

8. The forms for summons, warrant, warrant of distress, warrant of commitment, summons to witness, conviction, order of dismissal, and all other forms in the Schedule to the said hereinbefore in part recited Act, may be used in proceedings under this Act, and the provisions of the said Act in respect of costs and all other provisions of the said Act, with regard to proceedings to be had thereunder generally, shall be held and construed to apply to this Act, except in so far as the same may be inconsistent with this Act.

As to appeals from convictions under this Act.

9. In case of appeal against any conviction under this Act, the appeal shall lie to the General Quarter Sessions of the Peace, holden in and for either of the said Counties of Lincoln and Welland;

Public Act, &c.

10. This Act shall be a Public Act, and shall take effect immediately upon the passing thereof.

SCHEDULE A.

County of } To A. B., of , in the
TO WIT : } County of , Constable.

Whereas information and complaint have this day been made upon oath before me, one of Her Majesty's Justices of the Peace in and for the County of , for that (*Here state briefly the nature of the offence and the name or other description of the person or persons complained against, also the name of the vessel, boat, scow, or other craft, or the kind of raft, as "a raft of hewed pine" or "oak timber," or "of saw logs," or of both, as the case may be, which it may be alleged in such information and complaint, has caused the damage*).

These are therefore to command you to attach, seize, take and safely keep the said (vessel, boat, scow, or other craft or raft) until the matter of such information and complaint shall be heard and adjudged, or until you shall be otherwise or further directed in relation thereto; and to return this Warrant, with what you shall have done in the premises, to me, or to the Justices who shall hear the matter of the said information and complaint forthwith: and herein fail not.

Witness, my hand and seal, at , in the County of , this day of , 18

C. D. [L. S.]

Justice of the Peace.

SCHEDULE

SCHEDULE B.

County of } To A. B., C. D., and E. F., of the
Township of , in the
TO WIT : } County of , Freeholders.

Whereas information and complaint have been made, upon oath, before G. H., one of Her Majesty's Justices of the Peace in and for the County of , for that (the bridge over the Welland River generally called "Beckett's Bridge," *or as the case may be*, or the approaches thereto, hath been destroyed, removed, broken, cut, altered or damaged by I. J. and others, with a vessel, boat, scow, or other craft or raft, or otherwise, *as the case may be.*)

These are therefore to require you, and each of you, forthwith to go upon said bridge or upon the site thereof, and to estimate impartially, according to the best of your judgment, (the value thereof when so destroyed or removed, *or* the damage done to the said bridge, *as the case may be*) and a true return make thereof to us in writing under your hands, at , in the Township of , on the day of , 18 , at the hour of of the clock in the noon, or to such Justices as shall be then and there assembled to hear the matter of such information and complaint; you and each of you being first duly sworn, or affirmed, in the manner provided in and by the Act of the Parliament of this Province, intituled, (*here give the title of this Act*); and herein fail not, under the penalty imposed for default thereof, in and by the said hereinbefore in part recited Act.

Witness, our hands and seals, at , in the County of , this day of , A. D. 18 .

K. L., [L.S.]

M. N., [L.S.]

Justices of the Peace.

CAP. LXXXIX.

An Act relating to the Northern Railway Company of Canada.

[*Assented to 4th May*, 1859.]

Preamble. WHEREAS it is expedient to make the provisions hereinafter contained with respect to the Northern Railway of Canada: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1.

Northern Railway of Canada vested in the Crown for certain purposes.

1. Upon and after the passing of this Act, and by the operation thereof, the Northern Railway of Canada, with all the appurtenances and appliances thereof, whether consisting of real or personal property, its Rolling Stock and Plant, and all the corporate rights and privileges of the Northern Railway Company of Canada, shall be and are hereby transferred to and vested in the Crown for the following purposes :

Governor in Council may cause the Railway to be put into repair at a cost not exceeding $60,000.

1. The Governor in Council may cause the said Railway, Rolling Stock and Plant to be put in working order and repair,—and may raise a sum for that purpose not exceeding sixty thousand dollars, by the issue of Provincial Debentures or otherwise; and the sum expended for that purpose up to the time of the sale hereinafter mentioned, shall be added to the claim of the Province on the said Company and Railway, and be a first charge upon the proceeds of such sale;

Railway may be worked, &c.

2. The Governor in Council may cause the Railway to be worked, either by the intervention of the said Company or by any other persons or parties; but the surplus of the receipts, after the payment of all expenses of working and keeping the Railway, Stock and Plant in order, and the deduction of six per cent. per annum, on the total amount of the claim of the Province, shall from time to time be paid over to the Company;

Railway may be sold on or after 1st August, 1859.

3. The said Railway, Appurtenances, Appliances, Stock, Plant, rights and privileges, may, on the first day of August next after the passing of this Act, or on any day afterwards, be sold by Public Auction, in the City of Toronto, after such notice as the Governor in Council may direct; and the proceeds of such sale shall be distributed among the Creditors of the Company, including the Province, in the order of the priority of their respective claims, those of equal rank as to priority being paid *pro rata*, if there be not enough to pay them in full;

Railway may be bought by the Province, &c.

4. The Governor in Council may cause the said Railway and its Appurtenances and Appliances, Stock, Plant, rights and privileges to be purchased for the Province at such sale for any sum not exceeding the amount of the Provincial claim.

Governor in Council may agree for transfer of Railway to the Company, &c., and allow new capital to be raised.

2. The Governor in Council may treat and agree with the Company or its Bondholders, or both, for the transfer of the said Railway and Appurtenances, stock, plant, rights and privileges to the Company or to the Bondholders, or to both, and for permitting the parties to whom such transfer shall be made to raise, by preferential Bonds or otherwise, additional capital, not exceeding two hundred and fifty thousand pounds sterling, to be applied first, in the repair and improvement of the said Railway and Stock, and for the payment of the debts and obligations of the Company; Provided always, that the sum

Proviso.

to

to be advanced for the repair of the Railway and Stock shall be first repaid to the Province out of the said moneys:

Order in Council for transfer to be binding on all parties.

2. If such agreement be made, the Railway and Stock and the rights and privileges of the Company shall be transferred in pursuance of such agreement, by Order in Council, to such parties and subject to such conditions and directions as may be agreed upon; and the terms and conditions and directions in such order in Council expressed, shall be binding upon all persons having any interest in the present capital of the Company, whether as Stockholders, Bondholders or otherwise, or in what manner soever such interest may be secured;

Effect of such order.

3. Any such Order in Council shall vest the property and rights therein mentioned in the parties therein mentioned, subject to such conditions and directions as aforesaid, as fully to all intents and purposes, as if such transfer were made by, and such conditions and directions were contained in an Act of the Provincial Parliament; and the parties to whom the transfer shall be made shall thereby become and be held to be the Northern Railway Company of Canada;

Priority of lien and dividends may be granted by Governor in Council, for new capital.

Subscribers may vote.

4. The Governor in Council may, by any such order, grant a priority of lien or of dividends on the Railway and Stock, for the said additional capital, and such portion of the present capital and the interest thereon secured by Bonds or Debentures of the Company, as may be found expedient; and the Bondholders of the Company, in case the additional capital be raised by Bonds, may vote, either in person or by proxy, at meetings of the Company, and shall have respectively the same number of votes as they would have if instead of Bonds they held an equal amount of Stock;

Order in Council may provide for certain matters incidental to the Railway;

And its management.

5. The Order in Council hereinbefore mentioned may prescribe the times and place for the general and special meetings of the Company, and the number, qualification and rotation of Directors to be thereafter elected,—and may authorize a certain number of such Directors to be resident in England,—and may provide for the establishment of registers of bonds,—and may authorize the Company to lease the said Railway to or to enter into arrangements for the working of the same with any other Company or persons,—and generally may make such rules and regulations for the management of the said Company and for carrying out and giving effect to the agreement upon which such Order is founded as may be deemed expedient; and all such rules and regulations shall have the same effect as if they were contained in an Act of the Provincial Parliament, notwithstanding any thing in the former Acts incorporating or relating to the said Company, any provision in which inconsistent with such rules and regulations is hereby repealed.

Public Act.

6. This Act shall be deemed a Public Act.

CAP.

CAP. XC.

An Act to consolidate and amend the several Acts relating to the Niagara and Detroit Rivers Railway Company, both before and since the amalgamation of the Companies forming that Company.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS the Niagara and Detroit Rivers Railway Company have prayed that the several Acts relating to the incorporation of the said Company should be amended and consolidated, and it is reasonable to grant the prayer of said Company: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Charters of the Woodstock and Lake Erie Railway, and Harbour Company, 10, 11 V. c. 117,—and of the Amherstburgh and St. Thomas Railway Company, 18 V. c. 182,—the Acts amending the same, 16 V. c. 239,—18 V. c. 179,—19, 20 V. c. 74,—19, 20 V. c. 113,—and the Act of amalgamation 22 V. c. 118, and the Deed therein mentioned, repealed.

1. That the several Acts of the Parliament of this Province, hereinafter mentioned, that is to say: An Act passed in the tenth and eleventh years of the Reign of Her Majesty, Queen Victoria, intituled, *An Act to incorporate the Woodstock and Lake Erie Railway and Harbour Company;*—also, an Act passed in the sixteenth year of the Reign of Her said Majesty, intituled, *An Act to amend and extend the Charter of the Woodstock and Lake Erie Railway and Harbour Company;*—also, an Act passed in the eighteenth year of the Reign of Her said Majesty, intituled, *An Act to amend the Charter of the Woodstock and Lake Erie Railway and Harbour Company;*—also, an Act passed in the last mentioned year of the Reign of Her said Majesty, intituled, *An Act to incorporate the Amherstburgh and St. Thomas Railway Company;*—also, an Act passed in the nineteenth year of the Reign of Her said Majesty, intituled, *An Act to amend the Act of incorporation of the Woodstock and Lake Erie Railway and Harbour Company;*—also, an Act passed in the last mentioned year of the Reign of Her said Majesty, intituled, *An Act to amend and extend the Charter of the Amherstburgh and St. Thomas Railway Company;*—also, an Act passed in the twenty-second year of the Reign of Her said Majesty, intituled, *An Act to amend the Charters of the amalgamated Company heretofore intituled "The Great South Western Railway Company," and to change its name to the "Niagara and Detroit Rivers Railway Company";* and the Schedule thereto annexed, be and the same are hereby repealed.

Certain persons incorporated.

2. George Macbeth, M. P. P., the Honorable Michael Hamilton Foley, M. P. P., Honorable David Christie, M. L. C., Walker Powell, M. P. P., Sheriff Colin Munro, Andrew Thompson, Esq., John H. Cornell, Esq., John G. Kolfage, Esq., John McKay, Esq., John Smith, Esq., Thomas Rae, Esq., and Dr. Otis F. Presbrey, and such other persons as are or shall become Shareholders in the said Company, under the provisions of this Act, shall be a body politic and corporate

Corporate name and powers.

corporate in law and in fact, under the name of "The Niagara and Detroit Rivers Railway Company," and by that name they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, answering and being answered unto in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and concerns whatsoever; and they and their successors may and shall have a common seal, and may change and alter the same at their will and pleasure, and by the same name of "The Niagara and Detroit Rivers Railway Company" they and their successors shall also be by law capable of receiving, purchasing, having and holding to them and their successors any estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying and otherwise departing therewith, for the benefit and on account of the said Company from time to time as they shall deem necessary and expedient.

Common Seal.

Holding property.

Line of Railway described.

Branch Line.

Proviso: Woodstock and Lake Erie Line to be made, when, &c.

3. The said Company are hereby authorized to construct a Railway with a single or double track from some point on the Niagara River, at or near the Town of Clifton, passing on such route as may be selected through the Towns of Simcoe and St. Thomas, to some point on the Detroit River, at or near the Town of Windsor or the Town of Sandwich, also to construct a Railway from such point on the aforesaid line of Railway as may be found most eligible, to the Niagara River, at or near Fort Erie; and also a Railway from some other point on the said first mentioned line of Railway to connect the same with Amherstburgh, on the said Detroit River; Provided always, that so soon as the net revenues derived from the aforesaid Railways shall amount to eight per centum on the capital then expended the said Company shall construct, equip, maintain and work the line of Railway heretofore known as the Woodstock and Lake Erie Railway.

Directors for the current year.

4. The persons named above being the Board of Directors of the Niagara and Detroit Rivers Railway Company, in office just before and at the time of the passing of this Act, that is to say, George Macbeth, M. P. P., Honorable Michael Hamilton Foley, M. P. P., Honorable David Christie, M. L. C., Walker Powell, M. P. P., Sheriff Colin Munro, Andrew Thompson, Esq., John H. Cornell, Esq., John G. Kolfage, Esq.. John McKay, Esq., John Smith, Esq., Thomas Rae, Esq., and Dr. Otis F. Presbrey, shall, until the next annual election of Directors of the Company, as hereinafter provided for, be the Directors of the Company incorporated under this Act, and until such election takes place, shall have, exercise and enjoy all the powers and rights they could or would enjoy if elected under this Act, and shall have all the powers by this Act conferred on the Directors so to be elected; and also the President chosen heretofore by the above named Board, the Vice President and other elective

President, and other Officers.

elective officers of said Company, shall hold their respective offices until their successors are chosen, as pointed out in the provisions of this Act.

Capital $10,000,000.

5. The capital stock of the said Company shall be ten millions of dollars, and shall be divided into shares of one hundred dollars each, and at least two millions of dollars of the stock shall have been actually and *bonâ fide* subscribed, and ten per cent paid thereon into some of the Chartered Banks of this province, to the credit of the Company, within one year after the passing of this Act; but the stock already subscribed in any of the Companies referred to in the first section hereof, on which ten per cent has been *bonâ fide* paid, and the ten per cent actually paid thereon shall be reckoned and included in such subscription and payment, and all such stock subscribed or alleged to have been subscribed before the passing of this Act on which ten per cent shall not have been actually and *bonâ fide* paid into one of the Banks aforesaid, shall be and his hereby declared to be illegal and void and to form no part of the stock hereby authorized.

Part to be paid in one year.

Proviso: as to Stock already subscribed and partly paid

Board may open stock book at any time until the whole Stock is subscribed.

6. After the passing of this Act, and until the whole stock of the Company is subscribed for, the said Directors or any future Directors may open the stock book of the Company for further subscriptions for stock in the said Company, or may open other books for subscription for stock therein, and any person who shall subscribe in the said stock book or any other stock book or books opened by the above or any future Directors of this Company for shares, and shall at the time of such subscription pay in cash into the hands of the Treasurer or other officer or agent appointed for the purpose of receiving the same, (in the order of the said Board so directing said book or books to be opened,) ten per centum upon the amount of the whole number of shares he, she or they shall subscribe for, shall thereupon become a shareholder in the said Company; and any subscription not accompanied by the payment of such ten per centum, as aforesaid, shall be null and void.

Ten per cent. to be paid on subscribing.

Board to give notice of opening stock book.

7. And further, it shall and may be lawful for the Directors in the order directing the present stock book or other stock books to be opened, as above provided, to order that said book or books be opened in this Province or elsewhere out of this Province, as they shall think proper, for such subscriptions for stock, and upon such order being made, and before said book or books are opened, such order and a notice signed by the Secretary, stating that in accordance with such order, a book or books will be opened at the times, places and by the persons so appointed in said order, shall be published in the *Canada Gazette* and in the papers in which this Act provides for the publication of notices of special meetings, for four weeks prior to the day on which said book or books shall be so opened; and all and every the persons subscribing for stock

Notice to be given for four weeks.

stock in the above manner and form, and complying with the provisions of this Act, shall be shareholders in this Company.

Amount of each call.

8. Each and every call for money on the shares subscribed, shall be for ten per centum thereon, and not more than ten per cent shall be made payable within any sixty days.

Affairs of the Company to be managed by nine Directors.

When to be elected.

Notice for four weeks.

Ballot.

Ties.

Vacancies how filled.

Proviso: failure of election not to dissolve the Company.

9. From and after the election of Directors which shall take place next after the passing of this Act the property, affairs and concerns of the Company shall be managed by nine Directors to be chosen by the Shareholders on the First Tuesday of April in each year, in the manner hereinafter provided, and notice of such annual Election, and of the time and place of holding the same, shall be published four weeks before the day of Election in one newspaper published in the town of Simcoe and in one newspaper published in the town of St. Thomas, and in one or more of the daily papers published in the city of Hamilton; and all Elections for Directors shall be by ballot, and the persons who shall have the greatest number of votes at any Election shall be Directors; and if it shall happen that two or more shall have an equal number of votes, the Shareholders shall determine the Election by another or other ballots until a choice is made; and if a vacancy shall at any time take place among the Directors, by death, resignation or otherwise, such vacancy shall be filled for the remainder of the year by a vote of the majority of the Directors; provided always that in case it shall happen that an Election of Directors shall not be made on any day when pursuant to this Act it ought to have been made, the said Company shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any day thereafter to hold and make an Election of Directors, in such manner as shall have been regulated by the By-laws and Resolutions of the said Company.

Aliens may be Directors.

No Shareholder to vote until he has paid the ten per cent and all calls.

10. Aliens as well as British Subjects, and whether resident in this Province or elsewhere, may be Shareholders in the said Company, and all such shareholders shall be entitled to vote on their shares equally with British Subjects, and shall also be eligible to Office as Directors in the said Company: But no Shareholder shall be entitled in person or by proxy to vote at any Election of Directors, or at any General or Special Meeting of the Shareholders of the said Company, who shall not have paid the aforesaid deposit of ten per centum and all calls due upon his stock at the time of such Election or Meetings.

Directors to make annual or semi-annual dividends of profits, and to submit accounts and statements to

11. The Directors shall make annual or semi-annual dividends of so much of the profits of the said Company, as to them or a majority of them shall seem advisable, and once or oftener, as the Directors shall by By-Laws from time to time determine, in each year an exact and particular statement shall be rendered of the state of their affairs, debts, credits, profits

profits and losses; such statement to appear on the books and to be open to the perusal of any shareholder at his or her reasonable request; which said statement or statements attested on oath, shall be annually submitted to the three branches of the Legislature within fifteen days after the opening of each Session of the Provincial Parliament; and also a statement of the tonnage of goods, freight and number of passengers that have been conveyed along the said Road. Stockholders and the Legislature.

12. The number of Directors necessary to form a quorum for the transaction of business, may be regulated by the By-laws of the Company, and until such By-laws shall be passed, a majority of the Directors shall form such quorum. Quorum to be regulated by By-law, &c.

13. No Shareholder shall be eligible to be elected a Director under this Act unless he shall be a *bonâ fide* Stockholder in the said Company to the amount of at least one thousand dollars, and shall have paid up all calls on such stock. Qualification of Directors.

14. Each Shareholder in his own right shall be entitled to a number of votes equal to the number of shares which he shall have in his own name, two weeks prior to the time of voting. Each share to give one vote.

15. Any Director resident beyond the limits of the Province may appoint another Director to be his Proxy, and to vote for him at the Board, but no Director shall act as Proxy for more than two other Directors. The appointment may be as follows, or to the like effect: Directors may vote by Proxies being Directors.

" I appoint , of , Esquire, one of the Direc- Form.
" tors of The Niagara and Detroit Rivers Railway Company,
" to be my Proxy as a Director of this Company, and as such
" Proxy to vote for me at all meetings of the Directors of this
" Company, and generally to do all that I could myself do
" as such Director, if personally present at such meeting."

" Dated this day of
" A. D. 18 .

" (Signature.) A. B.

" Witness
" C. D."

16. The said Company shall have power to become parties to Promissory Notes and Bills of Exchange for sums not less than twenty-five pounds, and any such Promissory Note made or endorsed, and such Bill of Exchange drawn, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a *quorum* of the Directors, shall be binding on the Company; and every such Promissory Note or Bill of Exchange made, drawn, accepted or endorsed by the Company may become parties to Promissory Notes, &c.

President or Vice-President of the said Company, and countersigned by the Secretary and Treasurer as such, shall be presumed to have been properly made, drawn, accepted, or endorsed, as the case may be, for the Company, until the contrary be shewn; and in no case shall it be necessary to have the seal of the Company affixed to any such Bill of Exchange or Promissory Note, nor shall the President, Vice-President, or Secretary and Treasurer of the Company so making, drawing, accepting or endorsing any such Promissory Note or Bill of Exchange, be thereby subjected individually to any liability whatever; Provided always, that nothing in this section shall be construed to authorize the said Company to issue any Note payable to bearer, or any Promissory Note intended to be circulated as money, or as the Notes of a Bank.

Proviso: against Banking.

Deeds and Conveyances to be according to Schedule A.

Registration thereof, and fees.

17. All Deeds and Conveyances for lands to be conveyed to the said Company for the purpose of this Act, shall and may as far as the title to the said lands or the circumstances of the party making such Conveyance will admit, be made in the form given in the Schedule marked "A," to this Act annexed, and the Registrars are hereby authorized to enter in their Registry books, such Deeds on the production and proof of execution thereof, without any memorial, and to minute such entry on the said Deed, and the said Company are to pay the said Registrar for so doing, the sum of two shillings and six pence, for each Deed registered and no more.

Number of Directors may be increased or reduced by Resolution of Shareholders.

Proviso: Board in London.

Proviso: as to powers.

18. The number of Directors of the Company may be increased or reduced, from time to time, by Resolutions of the Shareholders at any general or special general meeting of the Company, after due notice for that purpose, and at such meeting the order of rotation in which such increased or reduced number shall go out of office, and what number shall be a quorum shall be also determined; Provided that whatever be the whole number of Directors, one third at least may be English Directors, of whom the Company at any meeting of the said Shareholders called for that purpose in the usual manner, may form a Board in London, England, for such purposes as they in the said By-Law shall provide, or in any subsequent By-Laws may from time to time provide; Provided always that none of the powers to be so given shall be inconsistent with the provisions of this Act, but may be the same as the powers given in this Act to the Board generally.

Directors may open an agency in London, England, for the transfer of Shares, &c.

19. The Directors of the Company may, subject to the rules and regulations, from time to time, of the Board, appoint an agent in the City of London, England, with power to pay dividends, to open and keep books of transfer for the shares of the Company, and for the issue of scrip and stock certificates and thereupon shares may be transferred from the Canada office to the London office, in the names of the transferees in the same manner as shares may be transferred in the former office

office, and *vice versa;* and shares originally taken and subscribed for in Great Britain, may be entered upon the books at the London office, and scrip certificates be issued for them, and the agent or other officer shall transmit an accurate list of all such transfers and scrip certificates so issued to the Secretary or other officer of the Company in this Province, who shall thereupon make the requisite entries respecting such transfer and scrip certificates in the Register kept in this Province; and thereupon the same shall be binding on the Company as to all the rights and privileges of shareholders, as though the scrip certificates had been issued by the Secretary of the Company in this Province.

Transfers of stock made in England to constitute transferee a Shareholder.

20. Whenever any transfer shall be made in England of any share of stock of the Company, the delivery of the transfer duly executed to the Agent of the Company for the time being in London aforesaid, or to the Secretary of the London Board, if formed, shall be sufficient to constitute the transferee a Shareholder or Stockholder in the Company in respect of the share or stock so transferred, and such Agent shall transmit an accurate list of all such transfer to the Secretary of the Company in this province, who shall thereupon make the requisite entries in the register; and the Directors may from time to time make such regulations as they shall think fit for facilitating the transfer and registration of shares of stock, as well in this Province as elsewhere, and as to the closing of the register or transfers for the purpose of dividend, as they may find expedient; and all such regulations not being inconsistent with the provisions of this Act, and of the Railway Clauses Consolidation Act, as altered or modified by this Act, shall be valid and binding.

Regulations respecting transfers.

Company to keep a Stock Register.

21. The Company shall from time to time cause the names of the several parties interested in the stock of the said Company, and the amount of interest therein of such parties respectively to be entered in a book to be called "The Stock Register," and the several holders of such Stock shall be entitled to participate in the dividends and profits of the Company, according to their respective interest therein, and such interest shall, in proportion to the amount thereof, confer on the respective holders, the same privilege of voting, qualification and otherwise as would have been conferred by shares of equal amount in the capital of the Company, but so that none of such privileges, except that of participation in the dividends and profits, shall be conferred by the holding of any aliquot part of such amount of stock, unless such aliquot part, if existing in shares, would have conferred such privileges respectively.

Duplicate of Stock Register to be kept in England.

22. Duplicates of all registers of shares and debentures of the Company and of the Shareholders thereof, or of the stock register, which shall at any time be kept at the principal office

 of

of the Company in this Province (such duplicates being authenticated by the signature of the Secretary of the Company) may be transmitted to and kept by the Agent for the time being of the Company in London aforesaid, or in case of the formation of a London Board, by the Secretary to such Board.

Board may call special general meetings of Shareholders.

23. Whenever it shall be deemed expedient by the Board of Directors that a special general meeting of the shareholders shall be convened, either for the purpose of increasing the capital, or increasing or reducing the number of Directors, or forming a London Board, as aforesaid, or for any other purpose; the Directors may convene such meeting by advertisement and circular, in manner hereinafter mentioned, in which advertisement and circular the business to be transacted at such meeting shall be expressly stated; and such meeting may be held at the Company's chief offices in Canada, or such other place in this Province as the Directors shall appoint.

Forty days' notice thereof to be published in newspapers.

24. The notice of special general meetings of the Company for any of the purposes aforesaid, shall be inserted in the same papers as are in this Act prescribed as necessary for convening ordinary general meetings of the Company, and also, if so ordered by the Directors calling the same, in one or more of the daily morning newspapers published in London, England, and a copy of such notice shall also be addressed by post to each shareholder at his last known or usual address, not less than forty days before the holding of such meeting.

Shareholders may hold ordinary general meetings half yearly.

25. If at any ordinary general meeting of the shareholders it shall be resolved that ordinary general meetings of the Company shall be held half yearly, such meetings shall thenceforth be held half yearly at such time and at such place in this Province as shall from time to time be appointed by the Directors.

All Stock on which 10 per cent. was not paid, on 16th November, 1858, to be null and void.

26. All and every subscription and subscriptions of stock in the Niagara and Detroit Rivers Railway Company, made before the sixteenth day of November, A. D., one thousand eight hundred and fifty-eight, and on which before that date ten per centum upon the whole amount of the shares in the capital stock so subscribed for was not paid into the hands of W. L. Smart, the Secretary of the Company, or into one of the Chartered Banks of this Province or some one of the Agencies of such Bank to the credit of the said Company, each and every such Stock subscription was and is null and void; and

Bonâ fide subscriptions on which 10 per cent. was paid before that time to be valid.

all and every *bonâ fide* subscription and subscriptions of Stock on which such ten per centum was so made into the hands of the said Secretary or into any of the said Chartered Banks, or the Agencies of such Banks, before the said sixteenth day of November last, whether such subscriptions of Stock were made in the Woodstock and Lake Erie Railway and Harbour Company, or in the Amherstburgh and Saint Thomas Railway Company,

Company, shall be held and taken to be Stock subscribed in the Company created by or under this Act; Provided always, and it is hereby enacted and declared that it shall be lawful for the Board of Directors to accept and take a Surrender of any Stock heretofore subscribed for, or alleged to be subscribed for, in the Amherstburgh and Saint Thomas Railway Company, before its amalgamation with the Woodstock and Lake Erie Railway and Harbour Company; and any holder or supposed holder of such Stock shall be entitled as of right to relinquish such Stock if he shall apply so to do by a notice in writing to the Secretary or President of the Company hereby incorporated within thirty days after the passing of this Act; and such Stock shall thenceforth be held and taken to be, and to have been from the beginning part of the unsubscribed capital of the Amherstburgh and Saint Thomas Railway Company, and of the unsubscribed capital of the Niagara and Detroit Rivers Railway Company; and neither of the said Companies shall have any claim whatsoever for or in respect of any deposit or payment by way of deposit made or agreed to be made upon or on account of such Stock so relinquished as aforesaid.

Proviso: as to Stock subscribed for in the Amherstburgh and St. Thomas Railway, before its amalgamation with the Woodstock and Lake Erie Company.

27. The Company incorporated by this Act shall assume and pay to the Provincial Government the amount of the sums, with all interest and arrears of interest due or to become due thereon, loaned by the Towns of Woodstock and Simcoe, and the Townships of North and South Norwich, Windham and Woodhouse, to the late Woodstock and Lake Erie Railway and Harbour Company.

Company to assume debts of certain municipalities to Provincial Government.

28. The several clauses of The Railway Clauses Consolidation Act with respect to the first, second, third and fourth clauses thereof, and also the several clauses of the said Act with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "Directors, their election and duties," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines and penalties and their prosecution," "working of the Railway," and "general provisions," and also the several Acts amending the said Act as varied and modified respectively by the provisions of this Act, shall be incorporated with and form part of this Act; Except such provisions of said Railway Clauses Consolidation Act or of the Acts amending the same, as apply to matters and things for which express provision is made in this Act.

Certain clauses of 14 & 15 V. c. 51, as modified by Acts amending same, incorporated with this Act.

Exception.

29. The following shall be the amendments and modifications of the said clauses of the Railway Clauses Consolidation Act, so far as it relates to the said Company:

Interpretation of words.

Firstly.—As to "Interpretation" the words "Roadway" or "Railway" in this Act, or any other Act, affecting said Company,

"Roadway" or "Railway."

Company, shall mean the Railway, the station buildings, engine houses, turn-tables, and all the fixtures and lands of the Company used and occupied by them for Railway purposes;

"Rivers." *Secondly.*—As to Rivers—the sub-sections of section nine of the said Railway Clauses Consolidation Act shall be taken to mean and apply only to Rivers on which there is, at the time of the passing of this Act, such important lines of business or trade that the obstruction of the same by fixed bridges would have the effect of breaking up such trade or business, thereby causing a public injury;

"Map or Plan." *Thirdly.*—The map or plan mentioned in the first sub-section of section ten shall be a plan of the surveys, and it shall only be necessary to deposit, with the respective Clerks of the Peace of the respective Counties or Union of Counties through which the said Railways shall pass, the portion of such maps or plan and such book of reference as shall relate to each such County or Union of Counties of which such officer is the Clerk of the Peace, and the maps or plan and book of reference for such sections of the respective County or Union of Counties may from time to time be certified and deposited as by the said sub-section required, in such sections, and the location thus completed as the said Company shall see fit;

Company may take lands accidentally omitted in "Map or Plan." *Fourthly.*—Notwithstanding any thing in the ninth sub-section of the said section ten contained, the said Company may, without the consent of the proprietor, take such lands and so much thereof as shall be necessary and requisite for the purposes of said Company, whether the same shall be shewn on the original map or plan deposited as aforesaid, or not, or in the said book of reference, or shall exceed the quantity in said sub-section mentioned or not; but no such land so taken shall be applied by said Company to any other than the actual use of the said Company for the purposes of their Railway;

Corporations, &c., may convey lands to the Company. *Fifthly.*—The first sub-section of section eleven shall be taken to include and mean all Rectors in possession of Glebe lands, Ecclesiastical or other Corporations, Trustees of Church and School lands, Guardians appointed by law and Guardians in Soccage, Executors whether invested with power over the Real Estate of their Testator, or not, and Administrators of persons dying intestate, but at the time of their death seized of Real Estate, and any Deed by the above mentioned parties shall vest in the Company the fee-simple of the lands in such Deed described; Also, all the provisions of said section eleven shall as to arbitrations, compensation, payment into Court, &c., apply to the lands taken from such parties as are named above;

"Railway." *Sixthly.*—The word "Railway," in the second sub-section of the twelfth section, shall be taken to mean the Iron Rails of said Railway.

30.

Company may hold land for gravel pits, &c.

30. Where stone, gravel or any other materials is or are required for the construction or maintenance of said Railway or any part thereof, the Company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a Provincial Surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, on such owner, and the said Company may thereupon proceed and ascertain the compensation by arbitration as in cases of acquiring the Roadway, and the notice of arbitration, the award, and the tender of the compensation shall have the same effect as in case of arbitration for the Roadway; and all the provisions of the Railway Clauses Consolidation Act as varied and modified by this Act, and the several Acts amending the said Act, as to the service of said notice, arbitration, compensation, deeds, payment of money into Court, the right to sell, the right to convey and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section and to the obtaining materials as aforesaid, and such proceedings may be had by the said Company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration in case arbitration is resorted to, to state the interest required.

Provisions of Railway Clauses Consolidation Act to apply as to obtaining and disposing of same.

Company may lay down temporary tracks to the same.

31. Where said gravel, stone or other materials shall be taken, under the preceding section of this Act, at a distance from the line of the Railway, the Company may lay down the necessary siding and tracks, over any lands which may intervene between the Railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of the Railway Clauses Consolidation Act and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the Railway, to the lands on which such materials are situated; and such right may be so acquired for a term of years or permanently as the Company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the Railway is constructed for the purpose of repairing and maintaining the said Railway

Power to divert public roads on approval of Government Inspector of Railways.

32. It shall not be lawful for the said Company to divert permanently or change the line of any public road or highway until they have made a plan of such deviation, and submitted the same to the Government Inspector of Railways for his approval; a copy of which plan, signed by said Inspector, shall be deposited with the Clerk of the Peace of the County or United Counties in which said diversion is situate; and the said Company, upon obtaining such sanction and filing said plan, may divert such public road or highway, in the manner shewn on the said plan; and further, in every case of making

making a deviation, as above provided for, the Railway Company shall have all the powers for acquiring the land necessary for the location of the new road or highway, and for any materials necessary to construct the same, and shall possess all the powers given by this Act for the acquiring of land for ballast or materials; and also, the said Company in all such cases shall place the new road or highway as near as can be in the same state of repair as the original road so diverted may have been in at the time of such diversion; and in all such cases, if the Railway Company require it for their Railway purposes, and in that case only, they shall have the right to take possession of and use the original highway so diverted.

New road to be as good as the original road.

All level crossings to be repaired by Company on order of the Inspector of Railways.

33. And with respect to public road crossings, in any case in which the said Company shall permit any level crossing to get out of repair, it shall be lawful for the Warden, Mayor, Reeve, or the other officer of the Municipality having jurisdiction over said road so crossed, to serve a notice upon the said Company, in the usual manner requiring the repairs (specifying them) to be made, and if the said Company shall not forthwith make the same, the said officer of said Municipality may transmit a copy of the said notice so served, as aforesaid, to the Inspector of Railways, and thereupon it shall be the duty of the said Inspector, with all possible despatch, to appoint a day when he will examine into the said cause of complaint, and shall by Mail give notice to the said Warden, Mayor or Reeve and said Company, of the day he shall so fix, and upon the day so named he shall examine the said crossing, and his certificate, under his hand, shall be final on the subject so in dispute between the parties; And also, if the said Inspector shall determine that any repairs are required, he shall specify the nature of such repairs in his said certificate, and direct the Company to make the same, and the said Company shall thereupon with all possible despatch comply with the requirements of said certificate, and in case of default it shall be lawful for the Municipality, having jurisdiction over the Road so crossed by the Railway, to make the said repairs, and they may recover all the costs and expenses in so doing, in an action against said Company in any Court of competent jurisdiction, as money paid to the said Company's use.

In default, the Municipality may repair same and recover all costs, &c., in usual way.

Powers of Board of Directors to appoint agents.

34. The Directors of the said Company may appoint such and so many Agents in this Province and in any other part of Her Majesty's dominions and elsewhere, as to them shall seem expedient, and may, by any By-law to be made for such purpose, empower and authorize any such Agent or Agents to do and perform any act or thing, or to exercise any powers which the Directors themselves or any of them may lawfully do, perform and exercise, except the power of making By-laws; and all things done by such Agent or Agents, by virtue of the powers in him vested by any such By-law, shall be as valid and effectual to all

all intents and purposes as if done by such Directors themselves; any thing in any part of this Act to the contrary notwithstanding.

Real and personal estate of late Woodstock and Lake Erie Railway and Harbour Company and the late Amherstburgh and St. Thomas Railway Company to vest in the Company hereby incorporated.

35. All the houses, lands, tenements, hereditaments, premises, railways, harbours, including the Port Dover harbour, docks, channels, creeks, wharves, piers, buildings, erections, works, ways, waters, franchises, easements, rights, privileges, powers, goods, chattels, property, assets and effects, whatsoever heretofore belonging to the Woodstock and Lake Erie Railway and Harbour Company, and the Amherstburgh and St. Thomas Railway Company and the Great South Western Railway Company and The Niagara and Detroit Rivers Railway Company, or any of them, and not heretofore duly aliened or departed with by the said Companies respectively, shall be, and the same and every part thereof is and are hereby vested in the Company incorporated under this Act; and the said Company last aforesaid shall have, possess and enjoy all and every the matters above enumerated, and all the rights, privileges, contracts, agreements, acts, deeds, lands, tenements, premises, property and easements aforesaid, and this Company shall assume and discharge all the debts, engagements, obligations and liabilities of the above named Companies; And the said Company incorporated by this Act shall have the rights, powers, privileges and authority, with respect to the Port Dover Harbour and to the tolls and revenue, and the collection thereof, and to the said Harbour formerly vested in the Port Dover Harbour Company as fully and effectually as if the same had been invested in this Company; Provided always, that all contracts, if any there be, heretofore entered into with any party or parties for the construction of the whole or any part of the line of Railway, by the said recited Acts or by this Act authorized to be constructed, shall be and are hereby declared to be cancelled, null, void and of no effect.

Company to assume liabilities.

As to Port Dover Harbour.

Proviso.

Company may unite or make traffic arrangements with other Companies.

Terms thereof may be determined by arbitration.

36. The Company may unite or make traffic arrangements with any other Railway Company or Companies in this Province, or with the International, and any other Bridge Company, or may lease the Railway of any other Company, with the necessary conveniences for the purposes of such union, occupation or traffic arrangements, and the Board of Directors of such Railways, and the International and other Bridge Company may agree upon such union, lease or traffic arrangements, and grant facilities for the same, and in case of disagreement as to the amount of compensation to be made therefor, or as to the facilities to be granted under such traffic arrangements, union or lease, the same shall be determined by one or more arbitrators appointed on application of either Company, upon notice to the other, by a Judge of one of Her Majesty's Superior Courts of Upper Canada.

Company may amalgamate, &c., with the Brantford and South-Western Railway Company.

37. The Brantford and South-Western Railway Company shall have power, and is authorized, in pursuance of any resolution to that effect, adopted at a special general meeting of the Shareholders, duly convened for that purpose, to amalgamate, connect or unite with this Company, or to lease or sell their line of road and appurtenances, or any part thereof, upon such terms and conditions as may be agreed upon by the said Companies; which said amalgamation, sale, lease or agreement, the said Brantford and South-Western Railway Company is hereby fully authorized to effect with this Company, upon resolutions to be adopted by a majority of their respective Shareholders, at a special general meeting to be convened for that purpose; Provided always, that all such rights, powers, terms and conditions as shall be set out in the deed of or agreement for such amalgamation, lease or purchase, shall alone be binding upon the Companies so amalgamating, leasing, purchasing or selling, and such amalgamation, purchasing or selling shall not render either Company liable for any consideration, matter or thing beyond the said terms and conditions; and the said Company may extend their line of railway to some point on the Grand Trunk Railway, and all the provisions of the Acts incorporating and relating to the Companies and all the provisions of the Railway Clauses Consolidation Act, as also the several Acts amending the said Act as varied and modified respectively by the provisions of this Act, and this Act, shall apply as effectually as if such extension or amalgamation had been mentioned and described in such Acts.

Proviso.

May extend road to Grand Trunk Railway.

Limitation of actions.

38. If any action or suit shall be brought against any person or persons for any matter or thing done in pursuance of this Act, such action or suit shall be brought within six calendar months next after such cause of action arose; and the defendant or defendants in such action or suit may plead the general issue only, and give this Act and the special matter in evidence on the trial.

Powers to construct Docks, and steam ferry boats on Detroit River.

39. The Company shall have full power under this Act, to purchase and hold river frontage, on the River Detroit, and to build wharves or docks thereon; also to construct, build or purchase and hold, such Steam Ferry Boats as they may require to enable them to convey passengers and freight across the River Detroit, or to such point on the American shore of Lake Erie, as may be necessary to enable them to connect with the various Railways running westward, and they shall have power to dispose of the same, if so inclined, or to charter any other Steam Vessel, not being their own property, to perform this service.

Railway to be completed in five years.

40. The said Railway shall be completed within five years from and after the passing of this Act.

Public Act.

41. This Act shall be deemed a Public Act.

SCHEDULE

SCHEDULE A.

Form of conveyance.

Know all Men by these Presents that I, A. B., of , do hereby, in consideration of , being the purchase money paid to me by the Niagara and Detroit Rivers Railway Company, the receipt whereof I do hereby acknowledge, grant, bargain, sell, convey and confirm unto the said Niagara and Detroit Rivers Railway Company, their Successors and Assigns, for ever, all that certain tract or parcel of land, situate, &c., (*here describe the land,*) the same having been selected by the said Company for the purpose of their Road, Harbour, Wharf or Pier, (*as the case may be*).

To have and to hold the said land and premises, together with the hereditaments and appurtenances thereto belonging, to the said Niagara and Detroit Rivers Railway Company, their Successors and Assigns for ever.

Witness my hand and seal, this day of , A. D., 18 .

Signed, sealed and delivered in presence of
C. D. A. B. [L. S.]

CAP. XCI.

An Act to alter and amend the Act twenty-second Victoria, chapter eighty, relating to the London and Port Stanley Railway Company.

[*Assented to 4th May*, 1859.]

Preamble. 22 V. c. 80.

WHEREAS by an Act passed in the twenty-second year of Her Majesty's reign, chapter eighty, intituled, *An Act to vest certain portions of Bathurst Street, in the City of London, in the London and Port Stanley Railway Company, and to facilitate the said Company in the disposal of certain of their real estate*, power is granted to the said company, amongst other things, to sell and dispose of all lots and parcels of lands lying and being in the City of London and Town of St. Thomas, and not then used or occupied by the said Company for the purposes of the said Railway, or any other purposes of the said Company, and doubts have arisen as to whether the said Company have power under the said Act to sell the said lands and to convey the same free and discharged from all incumbrances, and it is expedient to remove the said doubts: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Company may sell certain

1. It shall be lawful for the London and Port Stanley Railway Company, and the said Company shall have full power and

lands, freed from all incumbrances.

and authority, and they are hereby authorized to sell and dispose of all lots and parcels of land the property of the said Company and situate and lying in the City of London and Town of Saint Thomas aforesaid, and not now used or occupied by the said Company for the purposes of their said Railway, or for any other purposes of the said Company, in such blocks or parcels, either for cash or upon such terms of payment as may be deemed most advantageous, and to grant to the purchaser or purchasers good and sufficient deeds in the law under their corporate seal, freed and discharged from all incumbrances of every description whatever; and the proceeds of such sale or sales shall be appropriated first in payment of the amount due by the said Company to landowners for right of way,—and, if any thing shall remain after paying such claims, then either towards the payment of the privileged debt of the said Company or to the improvement of the permanent way of their Railway, as the Directors of the said Company for the time being may deem most expedient; but no purchaser or purchasers of the said land shall be bound to see to the due application of the proceed of such sales, any law or usage to the contrary notwithstanding.

How the proceeds shall be disposed of, &c.

Provision if the lands are sold on credit.

2. In case it shall be deemed expedient for the said Company to sell the said lands or any part thereof upon credit, then it shall be lawful, and full power and authority are hereby granted to the said Company, to grant conveyances in manner aforesaid, and to take back from such purchaser or purchasers security by way of mortgage upon the said lands for the whole or such portion of the purchase money as may by the terms of sale be agreed upon; and it shall also be lawful for the said Company, if deemed most advisable, to sell the said mortgages and appropriate the proceeds thereof to the purposes hereinbefore mentioned.

Public Act.

3. This Act shall be deemed a Public Act.

CAP. XCII.

An Act to amend the Acts relating to the Welland Railway Company.

[*Assented to 4th May*, 1859.]

Preamble.

16 V. c. 136.

19, 20 V. c. 23.

WHEREAS an Act was passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to incorporate the Port Dalhousie and Thorold Railway Company*, under which a Company was incorporated for the purposes therein mentioned; And whereas by another Act passed in the session held in the nineteenth and twentieth years of Her Majesty's Reign, intituled, *An Act to extend the line of the Port Dalhousie and Thorold Railway Company*, the powers of the Company were extended and enlarged; And whereas another

another Act was passed in the twentieth year of Her Majesty's Reign, intituled, *An Act to increase the capital stock of the Port Dalhousie and Thorold Railway Company, and to change the name of the Company*, under which Act the powers of the Company have also been extended and enlarged, and the name of the Company has been changed to the "Welland Railway Company:" And whereas it is expedient that the powers of the Company should be further amended, and extended, and that further provision should be made for the appointment of Directors, and the regulation and management of the affairs of the Company: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: 20 V. c. 141.

Short Title. Interpretation.

1. In citing this Act, it shall be sufficient to use the expression "The Welland Railway Act, 1859," and the expression "the Company" as herein used, shall denote the Welland Railway Company.

Present Directors continued until, &c.

2. The present Directors may continue to act so far as necessary for carrying on the business of the Company, until twenty-one days after the appointment of Directors under the authority of this Act; and within six months from the passing of this Act, the Directors shall, and they are hereby required to convene a special general meeting of the Shareholders, in the manner hereinafter prescribed for convening general meetings, for the purpose of fixing the number, rotation, mode of appointing, and constitution of the Board of Directors, and of appointing Directors in lieu of the existing Directors; but any present Director may be re-elected.

Special general meeting to be called, for considering the constitution of the Board, &c.

Constitution of the Board may be altered, &c.

3. It shall be lawful for the Company, by resolution of any special general meeting, from time to time, to make any alteration in the numbers, rotation, mode of appointing, constitution or composition of the Board of Directors, and to fix and assign such remuneration as they may think fit to the Chairman, Vice-Chairman, or any other of the Directors; provided that the number of Directors shall in no case be more than nine nor less than five; and provided that the total amount of the expenditure of management in England and in Canada shall not exceed eight thousand dollars per annum, one half in each country, until a dividend has been declared of eight per cent. per annum on the share capital of the Company.

Number of Directors and expenses of management limited.

Mode of convening general meetings.

4. Whenever it shall be deemed expedient by the Board of Directors that a general meeting of shareholders shall be held, the Directors may convene such meeting by advertisement and circular in manner hereinafter mentioned, in which advertisement and circular the business to be transacted at such meeting shall be expressly stated; and such meetings may be held at such places in Canada, or in England, as the Directors shall from time to time appoint, but so long as the greater part of the

Place of holding.

Proviso.

the stock or shares of the Company is held by shareholders who are resident in England, all meetings, whether ordinary or special, shall be held in England.

Notice to Shareholders.

5. Notices of general meetings, whether ordinary or special, shall be given by advertisement, to be inserted once in a London daily morning paper, and a copy of such notice shall also be addressed by post to each shareholder at his address on the Register, not less than forty days before the holding of such meeting.

Residence of Directors.

Quorum.

By-laws.

6. The Directors may be resident in England or in Canada, and may hold their meetings at such places as they may from time to time appoint, and may fix the number of Directors to constitute a quorum, such quorum not being less than three, and may make such By-laws for the government and regulation of the affairs of the Company, and for the transfer of shares, as they may from time to time think necessary or expedient, the said By-laws being such as the Company may make under the Acts first cited.

Directors may appoint a Director or Committee to manage the Railway.

7. The Board of Directors may appoint one of their body to be a Managing Director, or may appoint a Committee, or both, for the purpose of conducting and managing the working of the Railway and the maintenance and repair thereof, and the regulation and management of the traffic thereon, and may delegate to such managing Director or Committee, or both, all necessary powers for managing and working the Railway:

Company may sue, &c., in Canada.

Service of process.

nothing in this Act shall prevent the Company from suing and being sued in this Province, and the service of any process at their head office on the line of the said Railway, shall be sufficient in any suit or proceeding by or against the Company in this Province.

Directors may vote by proxy.

8. The Directors may vote at meetings of the Board by proxies, such proxies being themselves Directors; and such proxies may be in the following form or to the like effect:

Form.

I hereby appoint , of , Esquire, one of the Directors of the Welland Railway Company, to be my proxy as a Director of the said Company, and, as such proxy, to vote for me at all meetings of the Directors of the said Company, and generally to do all that I could myself do as such Director, if personally present at any such meeting.

Dated this day of , 185 .

(Signed) A. B.

Proviso.

But no Director shall hold the proxies of more than three other Directors.

9. The share capital of the Company is hereby declared to consist of seven thousand old shares of one hundred dollars each, fully called up, (five thousand of which shares have been appropriated to shareholders in England, and two thousand to shareholders in Canada,) and three thousand new shares of like amount, on which eighty-five per cent. has been called up, of which new shares one thousand have been appropriated to shareholders in Canada, and two thousand to shareholders in England. Amount and nature of share capital declared.

10. Whereas the Company have issued Bonds to the extent of one hundred thousand pounds sterling, (each Bond being for one hundred pounds sterling, and bearing interest at the rate of six per cent.) for securing which Bonds a Mortgage of the Railway has been executed to William Proudfoot, of the City of Toronto, Esquire, President of the Bank of Upper Canada, John Powell, of the Town of Niagara, in the Province of Canada, Esquire, Registrar of the County of Lincoln, and Thomas Lees Helliwell, of the Town of St. Catharines, Cashier of the Bank of Upper Canada, in St. Catharines, Trustees; And whereas the said Bonds fall due at the following periods, namely : Amount of Bonds issued by the Company, &c., and mortgage for security thereon. When they become due.

On 1st July, 1862.....	£20,000
On 1st July, 1866.....	15,000
On 1st July, 1867.....	20,000
On 1st July, 1872.....	20,000
On 1st July, 1877.....	25,000

It is enacted, that if the Company pay off any part of the said sum of one hundred thousand pounds, it shall be lawful for them again to borrow the amount so paid off by an issue of new Bonds, at any period of payment the Directors may determine upon, and so from time to time, and every Bond issued in lieu of any Bond paid off, shall have the same advantage of security under the before mentioned Mortgage as the Bond paid off would have had. Company may issue new bonds to redeem those now outstanding and with the same privileges.

11. The Directors may agree with the holders of any shares in the Company for the cancellation of all or any part of such shares, on such terms and conditions as they may think expedient, and may for that purpose employ such funds of the Company as may be necessary to effect the cancellation, and they may issue other shares in the place of such cancelled shares, on such terms and at such discount as they may think fit. Shares may be cancelled.

12. Duplicates of all registers of shares and debentures of the company and of the shareholders thereof, which shall at any time be kept at the office of the Company in England,—such duplicates being authenticated by the signature of the secretary of the company if resident in England, and if not so resident, by Duplicate Registers of shares to be made: one to be kept in England and one in Canada,

for the purpose of the transfer of shares.

by an agent or director of the Company,—may be transmitted to and kept by the Assistant Secretary or other officer of the Company in Canada: Whenever any transfer shall be made in Canada of any share in the Company, the delivery of the transfer duly executed to the Assistant Secretary or other officer of the Company at the office in Canada, shall be sufficient to constitute the transferee a shareholder in respect of the share so transferred; and such Assistant Secretary or other officer shall transmit an accurate list of all such transfers to the Secretary or other Agent or officer of the Company in England, who shall thereupon make the requisite entries in the Register; and the Directors may from time to time make such regulations as they shall think fit for facilitating the transfer and registration of the shares in England and in Canada, and as to the closing of the Register.

Preference dividends may be paid on a certain excess of payment on shares.

13. And whereas many of the shareholders in the said Company have paid the full amount, while others have only paid the sum of sixty-five per cent. on their shares, and it has been agreed upon that the thirty-five per cent. paid on certain shares in excess of others should be preferred: It is therefore enacted, that it shall be lawful for the Directors to pay preference dividends, and in priority of the ordinary dividends of the Company (not exceeding six per centum per annum) on the thirty-five per cent. of the shares paid in full, until the full amount of the share capital shall be called up; but such preferred dividends shall be subject and postponed to the payment of interest on all bonds of the Company.

Bonds to be first paid.

Mayor of St. Catharines to be an *ex officio* Director.

14. While the Corporation of the Town of St. Catharines shall continue to hold shares in the said Company to the amount of not less than five hundred shares, the Mayor of the said Corporation shall continue to be *ex officio* one of the Directors of the Company in addition to those authorized to be chosen under the third section of this Act.

Recital.

Canadian Shareholders may receive interest as the English ones have done.

15. Whereas eight per cent. interest has been paid in England on the amount of capital paid in upon call, the said payment is therefore hereby legalized and made valid, and it is further enacted, that whenever the receipts of the Company over and above all charges for interest on the bonds and other debts shall be sufficient, the same rate of eight per cent. shall be paid to the Canadian shareholders who have paid up their calls from the date of such payment and for the time the English shareholders shall have continued to receive that rate.

Company may lease their Railway to any other Company.

16. It shall be lawful for the Company, with the consent of two thirds of the votes of the proprietors voting in person or by proxy at any general meeting convened with notice of the intended object, to grant, and for any other Railway Company with the like consent, to accept a lease of the undertaking for such term, at such rent, and upon such conditions as may be agreed

agreed upon, or with such consent as aforesaid, to become the purchasers of or jointly interested in the undertaking of the Company, and to provide and raise, if necessary, the capital for such purposes; It shall be lawful for the Directors of the Company at any time, from time to time, to make and enter into any agreement or arrangement with any other Company either in this Province or elsewhere, for the regulation and interchange of traffic passing to and from the Railways of the said Companies and for the working of the traffic over the said Railways respectively, or for either of these objects separately, and for the division and apportionment of the tolls, rates and charges in respect of such traffic, and generally in relation to the managing and working of the Railways respectively or any part thereof, and the provision of working stock for any term not exceeding twenty-one years, and to provide for the appointment of a Joint Committee or Committees for the better carrying into effect any such agreement or arrangement, with such powers and functions as may be considered necessary or expedient,—provided that such agreement is approved by the votes of two thirds of the shareholders of the respective Companies present in person or by proxy at meetings of the respective Companies convened with notice of the object.

May enter into arrangements with other Companies for certain purposes.

17. This Act shall not take effect until the whole of the remaining bonds agreed to be taken, at the meeting of shareholders in London on twenty-first December, one thousand eight hundred and fifty-eight, shall have been taken and paid for on the terms then stipulated.

When this Act shall take effect.

18. This Act shall be deemed a Public Act.

Public Act.

CAP. XCIII.

An Act for the relief of the Port Hope, Lindsay and Beaverton Railway Company.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS under the provisions of the Act of the Legislature of this Province, intituled, *An Act to grant additional aid to the Grand Trunk Railway Company of Canada*, 19, 20 V. c. 111. the said the Grand Trunk Railway Company of Canada have assisted the said the Port Hope, Lindsay and Beaverton Railway Company to the extent of the sum of thirty thousand pounds of sterling money of Great Britain, and have received from the said the Port Hope, Lindsay and Beaverton Railway Company, bonds of the said Company for the said sum of thirty thousand pounds, which said bonds form part of an issue of bonds amounting to the sum of one hundred and twenty-five thousand pounds of such sterling money, secured by a first mortgage executed by the said Company for the purpose of securing payment thereof; And whereas the said the Port Hope, Lindsay and Beaverton Railway Company have applied

to the said the Grand Trunk Railway Company of Canada to grant them further aid and assistance by returning the said thirty thousand pounds of first mortgage bonds, and propose to exchange therefor bonds for a like sum of thirty thousand pounds to be issued under the authority of this Act; And whereas it is expedient to empower the said the Grand Trunk Railway Company of Canada to comply with such application: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Company may issue new bonds for £30,000 sterling, to rank after the first mortgage bonds.

1. The Port Hope, Lindsay and Beaverton Railway Company shall and may issue bonds to the extent of thirty thousand pounds of sterling money of Great Britain under the authority of this Act, which said bonds and the interest payable thereon shall take rank and precedence immediately after the bonds already issued and secured by the said mortgage, amounting to one hundred and twenty-five thousand pounds sterling;

Proviso.

Provided always, that nothing herein contained shall have the effect of postponing or invalidating any security heretofore granted by the said company, or any judgments now in force against them, but the same shall be and remain in full force and effect as if this Act had not been passed.

Grand Trunk Railway may accept the said bonds in lieu of the first mortgage bonds they now hold; lien for new bonds.

2. The Grand Trunk Railway Company of Canada may accept the Bonds of the Port Hope, Lindsay and Beaverton Railway Company first referred to in the preceding section to the extent of thirty thousand pounds sterling in substitution of the first mortgage Bonds of the said Port Hope, Lindsay and Beaverton Railway Company for thirty thousand pounds which the said Grand Trunk Railway Company of Canada now holds and the said Grand Trunk Railway Company of Canada shall have the first charge and lien on the Port Hope, Lindsay and Beaverton Railway Company, its properties, and rolling stock for securing the repayment of the said thirty thousand pounds sterling with interest next immediately after the holders for the time being of the first mortgage bonds for one hundred and twenty-five thousand pounds sterling referred to in the said section, and also in the preamble of this Act.

Company may re-issue the bonds received back from G. T. R. Company.

3. The Port Hope, Lindsay and Beaverton Railway Company may re-issue the first mortgage bonds for thirty thousand pounds sterling so to be received back by them from the Grand Trunk Railway Company of Canada, and the same, when re-issued, shall still form part of the one hundred and twenty-five thousand pounds sterling, of first mortgage bonds above referred to.

As to charges on Branch Line from

4. The branch line of Railway constructed by the Municipalities of Port Hope and Peterborough, from Millbrook to Peterborough shall not be charged or encumbered by any thing

in

in this Act contained, beyond what it would have been, had no such Act been passed. Millbrook to Peterborough.

5. This Act shall be deemed a Public Act. Public Act.

CAP. XCIV.

An Act to amend the Acts incorporating the Port Whitby and Lake Huron Railway Company.

[*Assented to 4th May*, 1859.]

WHEREAS by an Act passed in the twentieth year of Her Majesty's Reign, intituled, *An Act to revive and amend a certain Act passed in the sixteenth year of Her Majesty's Reign, and intituled, 'An Act to incorporate the Port Whitby and Lake Huron Railway Company,'* it is therein enacted, that before any general meeting of the Shareholders of the said Company can be convened for the purpose of electing Directors, it shall be necessary that one hundred thousand pounds of the Capital Stock of the said Company shall have been subscribed, and ten per cent. paid thereon; And whereas it is desirable to facilitate the early construction of a part of the said Railway, and for this purpose and for the more efficient and satisfactory management of the said Company, that a Board of Directors thereof should be elected by the several parties and Municipalities who have subscribed or who may hereafter subscribe for shares in the Capital Stock of the said Company, and it is therefore expedient and necessary that the above recited Act should be amended: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. The sixth section of the above recited Act shall be and is hereby amended, by striking out the words "One Hundred Thousand Pounds," and substituting in lieu thereof, the words "Seventy Thousand Pounds." Amount required before commencing operations reduced.

2. This Act shall be deemed a Public Act. Public Act.

CAP. XCV.

An Act to amend the Act incorporating the Megantic Junction Railway and Navigation Company.

[*Assented to 4th May*, 1859.]

WHEREAS in and by the third section of the Act sixteenth Victoria, chapter one hundred and four, the Megantic Junction Railway and Navigation Company is authorized to construct a Railway from some point on the line of the Quebec Preamble.

 and

and Richmond Railroad, in the vicinity of the River Becancour, to the Townships of Leeds, Halifax, Inverness and New Ireland, in the County of Megantic, with the powers and privileges and upon the conditions in the said Act mentioned; And whereas it is necessary for the promotion of the said Railway, and for the benefit of the inhabitants of the said County and of the adjacent Counties, that the said line of Railway should be extended beyond the said Township of New Ireland: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Extension of the Railway authorized.

1. The said Company are hereby authorized further to extend the said Railway from the said Township of New Ireland to some point in the vicinity of Lake St. Francis, in the said County, and thence, in the direction of Lake Megantic or across the River Chaudière, to any point near to or on the southern boundary of the said County of Megantic.

To be made within a certain time.

2. The said extension shall be commenced within three years and finished within seven years from the passing of this Act.

Capital increased.

3. The Capital Stock of the said Company shall be increased by the sum of two hundred thousand pounds, and the same proportion thereof shall be paid up as provided in the Act incorporating the said Company, before this Act shall take effect.

Act of incorporation, &c., to apply to such extension.

4. All and every the clauses of the said Act sixteenth Victoria, chapter one hundred and four, shall apply to this Act and to the extended line of Railway herein provided for; and the several clauses of "The Railway Clauses Consolidation Act" enumerated and embodied in the said Act, and none other, shall apply to this Act and the said last mentioned Act.

Public Act.

5. This Act shall be deemed a Public Act.

CAP. XCVI.

An Act to incorporate the Carillon and Grenville Railway Company.

[*Assented to 4th May, 1859.*]

Preamble.

WHEREAS John J. C. Abbott, Isaac Jones Gibb, John Grant, J. Auld, The Honorable John Molson, John Ostell, J. S. Hunter, James H. Springle, William F. Coffin, J. C. Baker, Alexander Cross, Cortlandt Freer, William Molson, William Murray, William Lunn, and Harry Abbott, interested in the purchase at Sheriff's sale of that part of the Montreal and Bytown Railway lying between Carillon and Grenville on the Ottawa River, or desiring to promote the enterprize of completing and working

working that part of the said Railway, have, by their petition, prayed for an Act of Incorporation, and it is desirable, in order to facilitate the completion of that part of the said Railway, and to afford the public the advantages of keeping the same in operation, that the prayer of the said petition should be granted, and a company incorporated with the powers hereinafter specified: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons incorporated.

1. John J. C. Abbott, and Alexander Cross, Cortlandt Freer, Isaac Jones Gibb, John Molson, William Molson, William Murray, William Lunn, Harry Abbott, with all such other persons and corporations as shall become shareholders in such company as is hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a body corporate and politic in fact and in name, by and under the name and style of the "Carillon and Grenville Railway Company."

Corporate name.

Certain clauses of General Railway Act incorporated.

2. The first, second, third and fourth clauses of the "Railway Clauses Consolidation Act," the second sub-section of the twenty-second clause, and also the several clauses of the said Act with respect to "Interpretation," "Incorporation," "Powers," "Lands and their valuation," "Highways and Bridges," "Fences," "General Meetings," "Directors, their election and duties," "Shares and their transfer," "Actions for Indemnity," "Fines and penalties and their prosecution," shall be incorporated with this Act.

Company may make road from Carillon to Grenville.

3. The said Company and their agents and servants shall have full power under this Act to lay out, complete and finish the present line of railway between Carillon and Grenville so as to make it extend to the Ottawa River or to convenient wharves or landing places at each of the said Carillon and Grenville, at points which they may at any time and times select as proper for the termini of the said railway, and thereafter if they deem it advisable to construct and complete a double or additional tracks between the aforesaid termini.

And erect necessary bridges.

4. The said Company shall have power to make and construct such Bridges as they may require for the purposes of their said Railway.

May take wild lands of the Crown for Railway purposes.

5. It shall and may be lawful for the said Company to take and appropriate for the use of the said Railway, but not to alienate, the beach of the river and so much of the lands covered with the waters of any river, stream, lake or canal, or of their respective beds, as may be found necessary for the making and completing or more conveniently using the same, and thereon to erect such wharves, quays, inclined planes, bridges, cranes and other works, as to the Company shall seem meet; And it shall not be lawful for the said Company to construct any wharf,

wharf, bridge, pier or other work upon the public beach or bed of any navigable river or stream, or upon the lands covered with the waters thereof, until they shall have submitted the plan of such work to the Governor in Council, nor until the same shall have been approved by him in Council as aforesaid.

Amount of capital stock, and number of shares.

Application of the capital.

6. The capital stock of the said Company for the Railway shall not exceed the sum of two hundred thousand dollars, to be divided into two thousand shares of one hundred dollars each, which amount shall be raised by the persons and corporations who may become shareholders in such stock, and the said money so raised shall be applied in the first place towards the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans, and estimates connected with the railway, and all the rest and remainder of such money shall be applied towards the acquisition in the manner hereinafter directed of that portion of the said railway which has already been constructed, and the lands occupied by the same, and the buildings in connection therewith and also towards the making, completing, and maintaining the said railway and providing it with rolling stock, and other purposes of this Act, and to no other purpose whatever; And five per centum shall be payable on the amount of stock at the time of its subscription, but if not then paid, it shall be due on demand with interest until and unless it may be afterwards differently ordered by the Directors.

Five per cent. to be paid on subscribing.

Company may borrow money on debentures.

Form thereof.

And their registration.

Effect of such registration.

7. For the purpose of completing the said Railway, and reimbursing the outlay made upon it since the said purchase thereof, the said company shall be and are hereby authorized to borrow money upon their debentures to an extent not exceeding the sum of one hundred thousand dollars at any rate of interest not exceeding eight per centum per annum, and the said debentures may be in the form contained in the Schedule A, annexed to this Act, or in any other convenient form similar thereto, and need not be before Notaries, and shall have the effect of creating a mortgage or hypotheque upon the said Railway and the lands and property thereof; and the registration at full length of a debenture (without the interest coupons thereto attached) in the said form, in the Registry Office for the County of Argenteuil, which said registration for the purposes of this Act, and of the loan to be made in virtue thereof, shall be held and deemed to be a special registration of the said Railway and of all the lands and property thereof in each County or locality through which the Railway may pass or lie, shall perfect the mortgage and hypotheque created by such debenture as regards all parties whatsoever, and the debenture, and mortgage, and hypotheque thereby created shall be to all intents and purposes binding upon the said Company in favor of the holder of the debenture, and have the effect of mortgaging and charging all the land and property of the said Company without any

any more formal or particular description, but the description in the said Schedule A shall be held to comprehend all the lands and tenements of the said Company, all wharves and buildings of every nature thereon, and in short all the immoveable estate belonging to the said Company, including the rails and iron thereto affixed, any law or usage to the contrary notwithstanding; and such debentures may be made payable either in currency or sterling, and either at any place in Canada or at any place in Great Britain, as the Directors of the said Company may see fit; Provided that at no time shall the debenture debt of the Company exceed the amount of the Capital Stock paid up; And provided further, that the Debenture and Share Capital together shall at no time exceed the said sum of two hundred thousand dollars. Proviso. Proviso.

8. If after the registration in the County Registry Office of a debenture of the said Company creating a mortgage or hypotheque, such a debenture shall be presented at the Registry Office wherein it was registered with the word "cancelled" and the signature of the President, or other duly authorized Director of the said Company or of the Secretary and Treasurer of the said Company, written across its face, the Registrar or his Deputy, on receiving the fee of one shilling and three pence in that behalf and on proof of the cancellation by the oath of one credible witness (which oath the Registrar or his Deputy is hereby authorized to administer) shall forthwith make an entry in the margin of the register against the registry of such debenture, to the effect that the same has been cancelled, adding to such entry the date thereof and his signature, and thereupon the cancelled debenture shall be filed and remain of record in the said Registry Office. Cancellation of debentures when paid off.

9. And with respect to the registration of the Debentures of the said Company and the cancellation thereof,—Be it enacted, that the said Company shall, at their own expense, deposit in the said Registry Office wherein such their debentures are hereby required to be registered, blank debentures in the form of the schedule annexed to this Act, without its being necessary to add the coupons thereto, bound together in a book and having the pages thereof numbered and signed by the Secretary of the Company, and thereupon the Registrar and his Deputy shall be bound to receive and retain the same as one of the registry books of his office, and to register therein the said debentures of the Company instead of registering them in the ordinary registry books of the office, receiving for the registration of each such debenture, and the certificate of such registration thereon written, a fee of one shilling and three pence, and no more, any ordinance or law to the contrary notwithstanding. Manner and costs of registration and cancellation of debentures.

10. Any three of the persons named in this Act shall have power to open stock books and receive subscriptions of stock First general meeting of Stockholders.

stock for the said Company, and receive payment on account of such stock; and within one month after this Act shall be passed, a general meeting of the Shareholders shall be held at the City of Montreal, for the purpose of putting this Act into effect, which meeting shall be called by any three of the persons named in this Act, ten days' notice thereof being given by advertisement in one of the newspapers of the said City of Montreal, at which meeting the Shareholders present having paid five per cent. on their stock subscribed, shall either in person or by proxy choose five Directors in the manner and qualified as hereinafter mentioned, who together with the *ex officio* Directors, as provided by the Railway Clauses Consolidation Act, and the Acts amending the same, shall hold office until the first annual general meeting for the election of Directors, and until others are elected in their stead.

Election of first Directors.

Annual general meetings.

11. On the second Monday in January in each year, at such place as may be appointed by a By-law of the said Company, and in default thereof at such place as may be specified in the notice thereof, a general meeting of the Shareholders shall be held for the transaction of business and the election of Directors, of which meeting two weeks' notice shall be given in one of the newspapers published in the City of Montreal, and thereat there shall be chosen five Directors from among the Stockholders, having each ten shares of the capital stock of the said Company, which amount of stock shall constitute the qualification of a Director; and the manner of voting for Directors shall be by ballot, unless otherwise determined by the meeting; and if a vacancy shall at any time occur among the Directors by death, resignation or removal from the Province, such vacancy shall be filled for the remainder of the year by a majority of the Directors; and three Directors shall form a quorum for the transaction of business.

Election of Directors.

Vacancies among Directors.

Mayors, &c., to represent Municipal Corporations.

12. The stock which may be subscribed for by Municipal Corporations shall be represented by the Mayor, Warden or Reeve, from time to time being of such Municipal Corporations subscribing to the said Railway, or by such person as shall be appointed by resolution of such Municipal Council respectively.

Scale of votes

13. Each shareholder shall be entitled to a number of votes equal to the number of shares which he or they shall have held in his or their name, at least three weeks previous to the time of voting; Provided always, that no party or parties shall be entitled to vote at the meetings of shareholders, who shall not have paid up all the calls due upon his, her or their stock, or the stock upon which such party claims to vote.

Proviso: calls must have been paid.

14. It shall and may be lawful for the Directors at any time to call upon the shareholders for such instalments upon each share which they or any of them may hold in the capital stock of the said Company, in such proportions as they may see fit, so as no instalment shall exceed ten per centum on the amount of each share, giving at least one month's notice for each call in such manner as they shall appoint. Directors may call in instalments.

15. It shall and may be lawful for the President and Directors of the said Company, from time to time, to fix and regulate the tolls and charges to be received for the transmission of property and persons on the said Railway, subject to the approval of the Governor in Council. Tolls, how to be fixed.

16. In case of neglect or refusal to pay the toll or freight due to the said Company on any goods, they shall have the power to detain the same until payment of such freight be made, and in the meantime such goods shall be at the risk of the owner, as provided in the said "Railway Clauses Consolidation Act," and if such goods be of a perishable nature, the said Company shall have the right to sell the same forthwith on the certificate of two competent persons establishing the fact of their being so perishable; and if such goods be not of a perishable nature, and shall remain unclaimed for a period of twelve months, it shall be lawful for the said Company after giving one month's notice in two newspapers published at or nearest the locality where such goods may be, to dispose of the same by public auction, and to hand over to the owner the produce of such sale, if he shall claim the same, after deduction of the said tolls, freight, and of the expenses incidental to any such sale. Collection of tolls on freight by seizure and sale.

17. The said Company shall have power to become parties to promissory notes and bills of exchange for sums not less than twenty-five pounds; and any such promissory note made or endorsed, and any such bill of exchange drawn, accepted or endorsed by the President of the Company or Vice-President, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a quorum of the Directors, shall be binding upon the said Company, and every such promissory note so made, drawn, accepted or endorsed by the President or Vice-President of the said Company, and countersigned by the Secretary and Treasurer as such after the passing of this Act, shall be presumed to have been properly made, drawn and accepted, as the case may be, for the Company, until the contrary be shewn, and in no case shall it be necessary to have the seal of the Company affixed to any such bill of exchange or promissory note, nor shall the President, Vice-President or Secretary and Treasurer of the Company so making, drawing, accepting or endorsing any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever; Provided always, that nothing in this section shall be construed to authorize the said Company to issue any note payable Company may become parties to Promissory Notes, &c. Proviso: Against Banking.

payable to bearer, or any promissory note intended to be circulated as money or as the notes of a Bank.

May make agreements respecting fences &c., along the Line.

18. The said Company may agree with any proprietor and proprietors of land over whose property the said Railway may go, as to the making and keeping up of the fences separating the said Railway from such lands, and as to the making and keeping up of any gates, bridges, culverts, crossings or cattle guards, and as to the consequences of the neglect of keeping the same, or any of them in repair, and such agreement, being registered in the Registry Office for the County wherein the land is situate, shall be binding as well on the then proprietors of such land as on their successors, according to the tenor and purport of such agreement; Provided always, that nothing in this section shall be considered as preventing the laws of prescription from applying to these transactions according to the usual course of the law in Lower Canada.

Proviso: as to prescription.

Act not to affect rights of certain parties.

19. Nothing in this Act shall affect the rights of the Crown, nor of any Municipality or person who may have any claim against the Montreal and Bytown Railway Company or the shareholders thereof; nor shall the rights of any party having claims on the real estate whereon the railway is constructed be in any way prejudiced; nor shall the rights of or recourse against the parties interested in the said Sheriff's sale be affected by this Act.

Price at which Railway, &c., is to be assumed and purchased by Company to be determined by arbitration.

20. Either at the first meeting of the shareholders, to be called in the manner above directed, or at any special meeting of shareholders, those of the shareholders having no share or interest in the aforesaid purchase of the said Railway, lands and appurtenances, shall, by a separate resolution, name an arbitrator, and the said purchasers of the said Railway, lands and appurtenances shall name another arbitrator to determine the price at which the said Railway, lands and appurtenances shall be taken and assumed by the Company hereby formed, and the said arbitrators shall have the power in case of disagreement to name a third, which said arbitrators or a majority of them, in case of the nomination of a third, shall determine the said price and the terms of payment and other such matters in connexion therewith as the parties may agree to submit to them, and in the case of a failure of an award by reason of any one or more of the arbitrators failing or refusing to act, or from any other cause, the nominations may be repeated from time to time, until an award is had, and such award shall be final and conclusive, and obligatory upon the parties to the same extent as if they had made a voluntary deed to the same purport and extent, with full power and authority to do so, and on the same being registered in the Registry Office for the County of Argenteuil, or on the registration of any voluntary deed made in conformity therewith, or with such modifications and additions as the parties may agree to, the said Railway,

Railway, lands and appurtenances shall be vested in and become the absolute property of the Company hereby formed, subject to the conditions imposed by such award and voluntary agreement, if any, and especially subject by privilege of *bailleur de fonds* to the payment of the price and other conditions imposed by the said award and voluntary agreement in preference to all others, save the obligations which may have been previously imposed thereon by the persons so interested in the said purchase; and nothing herein contained shall prevent the said parties from making a voluntary agreement for such acquisition without an award of arbitrators, which voluntary agreement, if so made, shall be binding according to its tenor and purport, and shall be subject to registration in the Registry Office for the County of Argenteuil.

Voluntary agreement may be made.

21. Nothing in this Act shall be construed to grant to the party or parties interested in the Sheriff's sale mentioned in the Preamble of this Act, any further or better title than they now have to the property sold by the same; and the rights of any party interested as a creditor of the Montreal and Bytown Railway Company, or as a shareholder in the said Company, who may have commenced or may within two years commence proceedings to set aside the said Sale or to enforce any claim, right or title to or on the property so sold, are hereby specially reserved.

Act not to give certain parties any better right than they had before, &c.

22. If at any time within three years after the passing of this Act the enterprise of the Montreal and Bytown Railway Company, as incorporated under the statute sixteenth Victoria, chapter one hundred and three, and the Acts amending the same, or any bondholder or creditor thereof, or any other enterprise to be hereafter incorporated by the Legislature, having in view the uniting of the Cities of Montreal and Ottawa by Railway communication, be resumed, then such Montreal and Bytown Railway or such bondholder or creditor thereof, or such other enterprise, shall have the power to take and acquire the whole of the Railway, rolling stock, land, buildings and appurtenances of the said Company incorporated under the present Act on repayment to the said Company of their outlay in, about and respecting the acquisition of the same, and in and about the completion and improvement thereof, together with legal interest thereon from the time of such outlay, and also together with twelve and a half per centum upon such outlay, deduction being first made on the net profits: and in case of dispute as to the amount of such outlay it shall be determined by an arbitration to be conducted as hereinbefore provided.

Montreal and By-town Railway Company, or the Government may purchase road within three years on certain conditions.

23. The Interpretation Act shall apply to this Act, and this Act shall be deemed a Public Act.

Public Act.

SCHEDULE

SCHEDULE A.

Carillon and Grenville Railway Company, Number
£ Sterling (or Currency.)

This Debenture witnesseth that the Carillon and Grenville Railway Company, under the authority of the Provincial Statute, passed in the twenty-second year of Her Majesty's Reign, intituled, *An Act to incorporate the Carillon and Grenville Railway Company*, have received from , of , the sum of Currency (*or* Sterling,) as a loan, to bear interest from the date hereof at the rate of per centum per annum, payable half yearly, on the day of , and on the day of , which sum of Sterling (*or* Currency,) the said Company bind and oblige themselves to pay on the to the said , or to the bearer hereof, and to pay the interest thereon half-yearly as aforesaid on the production of the coupons therefor which now form part of the Debenture; and, for the due payment of the said sum of money and interest, the said Company, under the power given them by the said statute, do hereby mortgage and hypothecate the real estate and appurtenances hereinafter described, that is to say: all their Railway extending from its terminus near the steamboat wharf at Carillon, in the Seigniory of Argenteuil, to its terminus on the steamboat wharf, in the Township of Grenville, together with all and singular the stations, station houses, turnouts, sidings, and appurtenances, thereto belonging.

In testimony whereof,
President of the said Company, hath hereto set and affixed his signature, and the common seal of the said Company, at , this day of , one thousand eight hundred and .
Countersigned and entered.

President.

Secretary.

CAP. XCVII.

An Act to amend the Act incorporating the *North-West Transportation, Navigation and Railway Company*, and to change the name of the said Company to the "*North-West Transit Company.*"

[*Assented to 4th May*, 1859.]

Preamble. WHEREAS by an Act of the Parliament of this Province, passed in the twenty-second year of Her Majesty's
22 V. c. 122. Reign, chapter one hundred and twenty-two, the *North-West Transportation*,

Transportation, Navigation and Railway Company was incorporated, for the purposes in the said Act expressed; And whereas a Company has been, or is about to be, formed in England, called or to be called "The North-West Transit Company, Limited," for the purpose of giving greater and more complete effect to the objects authorized by the said Act, and of extending the proposed operations into British Columbia and to the Pacific Ocean, and with a view to associate the shareholders of the said corporate body with the shareholders in the said Limited Company, so as to form but the one undertaking; And whereas it is desirable to accomplish the said object: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Company may unite with English Company.

1. The Company formed under the recited Act may unite with any corporate body or with any Company formed or to be formed in England for the purposes aforesaid.

Instrument for effecting such union.

Notice.

2. Such union shall be effected by an instrument in writing, under the seals of the respective Companies, and signed by the Presidents or chief officers of the respective Companies, of which a duplicate or attested copy shall be lodged with the Provincial Secretary of this Province, and notice of the fact given for four consecutive weeks in the *Canada Gazette*.

Effect of such union.

3. The union of the Companies in the manner above mentioned, shall have the effect of conferring upon the associated Company, by such corporate name as may be given to it in the instrument of association, the powers now enjoyed by the North-West Transportation, Navigation and Railway Company.

As to exercise of powers.

4. The said powers may be exercised throughout the extent of the jurisdiction of this Province, notwithstanding that the chief direction and control of the Associated Company may be vested in such members of the Board of Directors as shall meet from time to time in the City of London, or such other place in the United Kingdom as may be agreed upon, as aforesaid, at the union of the Companies.

Election of Directors, &c., may be regulated by the instrument effecting the union.

5. The election and number of Directors and the holding of General Meetings, may be regulated by the terms of the union, which terms shall have effect as soon as the duplicate or attested copy of the instrument in writing effecting the union of the Companies, has been lodged with the Secretary of this Province, and notified as aforesaid; Provided always that the Company shall have an office and established place of business in Canada.

Company may construct a Telegraph Line.

6. The Associated Company, or in the event of no such union being effected, the present incorporated Company, shall have

have power to construct a Telegraph Line from the westerly terminus of any existing Telegraph Line in Canada, to the westerly limit of the jurisdiction of this Province; Provided always that the Government may assume such telegraph line on the same terms as the other works of the Company.

Name of the present Company changed.

7. The corporate name of the said Company now called the *North-West Transportation, Navigation and Railway Company*, shall hereafter be the "*North-West Transit Company*," but such change of name shall not operate any change in the rights, obligations, powers, or privileges of the said Company.

Public Act.

8. This Act shall be deemed a Public Act.

CAP. XCVIII.

An Act to incorporate the People's Forwarding Company of Ottawa.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS Robert Conroy, Joshua Smith, Walton Smith, John Supple, J. B. Lewis, George E. White, William Morris, Samuel Huntingdon, Allan Gilmour, Frederick Marett, Robert Lyon, Levi Young, S. H. Macpherson, C. O'Kelly, Anthony Friel, James Skead, George Bryson, D. Maclachlin, H. O. Burritt, Hugh Torney, Joseph Bell Forsyth, Alexander Fraser, E. McGillivray, James Walker and Samuel McDonnell, have petitioned the Legislature of this Province for an Act of Incorporation, as a Company for the purpose of Steam Navigation on the Ottawa River, above the city of Ottawa, and it is expedient to grant the prayer of the said petitioners, as hereinafter provided: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Company incorporated.

1. The said Robert Conroy, Joshua Smith, Walton Smith, John Supple, J. B. Lewis, George E. White, William Morris, Samuel Huntingdon, Allan Gilmour, Frederick Marett, Robert Lyon, Levi Young, S. H. Macpherson, C. O'Kelly, Anthony Friel, James Skead, George Bryson, D. Maclachlin, H. O. Burritt, Hugh Torney, Joseph Bell Forsyth, Alexander Fraser, E. McGillivray, James Walker and Samuel McDonnell, together with such person or persons as shall, under the provisions of this Act, become shareholders in such Company as is hereinafter mentioned, and their respective heirs, executors, curators and assigns, shall be a body politic and corporate by the name

Corporate name.

of the "People's Forwarding Company of Ottawa," with all and every the incidents and privileges belonging to Corporations by the Interpretation Act, or specially conferred by this Act.

2.

Purposes of the Company. Vessels.

2. It shall be lawful for the Company to construct, acquire, charter, navigate and maintain steam and other vessels and boats for the carrying and conveyance of goods and passengers, and other traffic, on the River Ottawa and its tributaries above the City of Ottawa, and to carry on and transact all such business, and to do all such matters as may be incidental to the carrying out the object of the Company, or necessary or expedient in order to the more effectual or profitable prosecution thereof, with power to sell or dispose of the said vessels or any of them, or to mortgage the same, or any of them, or the goods of the Company, or any part thereof, when and as they may deem expedient, and to make contracts with any person or corporation whatsoever for the purpose aforesaid, for the benefit of the said Company, and also with full power and authority to such Company to construct in and along or over any land which they may acquire, a plank, macadamized, or gravelled road or roads wherever the same shall be necessary and required to be made in consequence of the obstruction of the navigation of the said River, and to be used by such Company in connection with the said steam vessels and other boats for the conveyance of such goods, passengers, and other traffic for the benefit of the said Company.

Roads.

What real property the Company may hold.

3. It shall be lawful for the said Company to acquire, hold, rent, and enjoy such real property, lands, tenements, docks, wharves, and buildings, as shall be necessary or convenient for the purposes of the Company, and to sell, mortgage or dispose of the same when not wanted for the purpose of the Company, and others to acquire in their stead, provided the yearly rental thereof, at the time of the entry into possession thereof, shall not exceed in the whole six thousand dollars per annum.

Capital and shares.

4. The capital stock of the Company shall, in the first instance, be not less than seventy-five thousand dollars, with power to increase the same from time to time, to a sum not exceeding two hundred thousand dollars, which capital stock shall be raised by the parties or persons above named, or some of them, together with such other persons as may become subscribers towards the said Stock, the said capital to be applied towards the purposes of the said Company, and the expenses for its establishment and incorporation, and for no other use or purpose whatsoever, and to be divided into shares of twenty dollars each; Provided always, that the said company shall have paid up the sum of fifty thousand dollars, before commencing their operations under this Act.

Application.

Proviso.

Calls on stock.

5. The payment of the said stock shall be made by calls on each shareholder for such sums and at such times as the Directors of the Company may determine, until the entire payment of the said stock; Provided that one month's notice shall be given of every call in such manner as the Directors shall appoint.

Proviso.

6.

Directors.

6. The business of the Company shall be conducted and its powers exercised by seven Directors, who shall be severally shareholders of four hundred dollars of the stock, and who shall in the first instance and until the first annual meeting in the year of our Lord one thousand eight hundred and sixty, be the said John Supple, Robert Conroy, James Skead, Walton Smith, George Bryson, Christopher O'Kelly and George E. White; All the Directors shall annually retire at the general annual meeting, but may be re-elected by the stockholders; Provided always, that in case of the death, removal, resignation, or other disqualification of any Director, at any time previous to the then next annual general meeting, the remaining Directors shall have power to fill the vacancy until the said next annual meeting, by appointing a qualified stockholder thereto.

First Directors.

Retirement of Directors.

Proviso.

Stock books, &c.

7. The said Directors or a majority of them shall have full power to open stock books, and make a call or calls on the shares subscribed in such books, and call a meeting of subscribers for the election of Directors, and generally for the transaction of the business of the Company.

Certificates of stock.

8. Certificates of stock shall be from time to time issued by the Directors to the stockholders, for the number of shares held or taken by each; and the rights and liabilities of a stockholder shall attach in respect of such shares immediately upon the subscription therefor in any stock book of the Company opened by the Directors.

Transfer of shares.

9. The said shares may not be assigned to any one without the approval of the Directors until such shares shall be paid in full, and no assignment shall be valid or binding upon the Company until an acknowledgment of the acceptance of the shares shall have been signed by the party accepting, and deposited with the Directors; and thereupon such party shall be held entitled to the rights and subject to the liabilities of a stockholder.

Recovery of calls and actions therefor.

10. It shall be lawful to the Directors either to enforce payment of calls or any unpaid part thereof by suit at law, with interest on the sum due from the time of the call, and costs, or to forfeit and sell the said shares or a sufficiency of them for the payment of the amount due, and interest; and in any such suit it shall be sufficient to allege the defendant to be the holder of one or more shares, as the case may be, and to be indebted to the Company in the amount in arrear thereon; and a certificate with the signatures of any five of the Directors that the defendant is a stockholder, and that the calls in arrear have been made and not paid shall be sufficient *primâ facie* evidence thereof, and of the amount due or unpaid.

Company need not see to

11. The Company shall not be bound to see to the execution of any trust, whether express, implied, or constructive, in respect of

of any shares; and the receipt of the stockholder in whose name the shares shall stand in the book of registration of the Company, shall be a valid and binding discharge to the Company for any dividend or money payable in respect of such shares, and whether or not notice of such trust shall have been given to the Company, and the Company shall not be bound to see to the application of the money paid upon such receipt. Trust to which stock is subject.

12. The assignees of a bankrupt or insolvent stockholder, and the husband of a female stockholder, and the executor, administrator, tutor or curator of a stockholder, as the case may be, shall not, except as may be otherwise provided by the By-laws, be entitled to receive any of the profits of the Company, or to vote in respect of the shares transmitted by effect of the bankruptcy or insolvency, or of the death or marriage of any stockholder; but nevertheless, after production and deposit with the Directors of a declaration or other satisfactory evidence as may be required by them of such transmission, the shares so transmitted may thereupon be assigned by the representatives aforesaid, in the same manner and subject to the same regulations as are provided for any other transfer of shares. Assignees, husbands, executors, holding stock.

13. On the third Monday in the month of January, in the year of our Lord one thousand eight hundred and sixty, the first annual meeting of the shareholders of the Company shall be held at such place as the Directors shall appoint, of which due notice shall be given, for the election of Directors, who shall be elected by ballot, and generally for the transaction of the business of the Company; And it shall be lawful for such meeting to be adjourned to any other time for such purpose; Provided always, that if the said annual meeting shall not take place on the day above mentioned, any two of the Directors for the time being shall call such annual meeting for any subsequent day, after public notice thereof of not less than fifteen days. First general meeting. Proviso.

14. Except in so far as herein otherwise provided, all matters and things to be determined at any general meeting of the Company, shall be determined by the majority of the votes of the shareholders, either in person or by proxy, present and assisting at such meeting, and in case of an equality of votes at such meeting, the chairman of such meeting shall have a casting vote, each share to represent a vote; Provided always, that no shareholder shall be entitled to vote in person or by proxy in respect of any share, the calls whereon have not been paid, until such call or calls have been paid, and that proxies shall only be held by stockholders; and at any meeting of Directors, four shall be a quorum, and in case of equality of votes the chairman shall have the casting vote. Majority to decide. Proviso: as to proxies. Quorum of Directors.

15. Any number of stockholders, for themselves, or as proxies for others, representing not less than four thousand dollars of the said stock, may at any time require the Directors to Special general meetings.

call a special general meeting of the Company for the purposes set forth in their requisition to that effect, and for no others; and on the refusal or delay of the Directors so to do within three days after notice thereof left at the office of the Company, the said stockholders shall have authority to call such meeting, which shall have power to take the said matters into consideration, and transact and conclude the same, and no other, as fully to all intents as if the same had been so transacted and concluded at a regular meeting of the Company, called under the provisions hereof; Provided that no general or special meeting of the said Company shall be held until after advertisement thereof of at least ten days in one or more public newspapers published at Ottawa, and after a written notice thereof under the hands of one of the Directors, or of any officer of the Company appointed to such duty, sent by post to each stockholder or his representative holding his proxy, resident in this Province, one week at least previous to the meeting.

Proviso: notice required.

Proxies to be registered.

16. No proxy shall be counted as a vote in any matter or thing under this Act, until after and unless the appointment therefor shall have been duly registered in the book of registration of proxies of the Company twenty-four hours previous to the tendering of such vote.

Agents of the Company, and their powers.

17. The Directors may appoint agents, and for such time, and on such terms, and with such powers as to them shall seem expedient, and remove and discharge such agents as they may deem proper, and may by any By-law to be made for such purpose, empower and authorize such agents to do and perform any act or thing, or to exercise any powers, which the Directors themselves or any of them may lawfully do, perform and exercise, except the power of making By-laws; and all things done by any such agent by virtue of the powers in him vested by such By-law, shall be valid and effectual to all intents and purposes, as if done by such Directors themselves.

Power to explore the country.

18. The said Company shall have full power and authority to explore the ground or the country lying between the termini of any road, or supposed to be adapted for the site of any pier or piers, wharf or wharves, warehouse or warehouses, or of any other such work as aforesaid intended to be constructed by the said Company, and to designate and establish, take, appropriate, have and hold, to and for the use of them and their successors, the requisite land upon the line and within the limits of any such road, or for any such other work as aforesaid, according to the provisions hereinafter contained for acquiring the same, and to dig, take and carry away stone, gravel, sand, earth and other like material, from any adjoining or neighboring lands; and also to cut, make and keep in repair, upon such adjoining or neighboring lands, such ditches, drains and watercourses as may be necessary for effectually draining or carrying off the water from any such road or other work; and whenever

And take certain lands, &c.

any

any such road passes through or by any wood or standing timber, to cut down the trees and underwood for one hundred feet, English measure, on each side of the said road, making compensation therefor as hereinafter provided; And for the purposes aforesaid, the said Company and their agents, servants and workmen are hereby authorized and empowered to enter into and upon the lands and grounds of any person or persons, body or bodies corporate or politic, doing no unnecessary damage; Provided always that the said Company shall not have the power to lay out or construct any road without the consent by By-law of the County Municipality, through which the said road is intended to pass, being first had and obtained; And provided also that where any such pier or wharf is necessary for the navigation of the River, it shall not be lawful for the Company to take and appropriate the same without the consent of the Governor in Council previously had and obtained.

Proviso.

Proviso.

19. If the owner or owners, occupier or occupiers of any land, over, through or upon which the said Company may be desirous of constructing any such road or other work, or from which materials are to be taken, or upon which any power given by this Act to the Company is intended to be exercised, shall, upon demand made by the Directors of the said Company, neglect or refuse to agree upon the price or amount of damages to be paid for or for passing through or over such land, and appropriating the same to and for the uses of the said Company, or for the exercise of any such power as aforesaid, it shall and may be lawful for the said Company to name one arbitrator, and for the owner or occupier of such land so required, or with regard to which such power is intended to be exercised as aforesaid, to name another arbitrator, and for the said two arbitrators to name a third, to arbitrate upon, adjudge and determine the amount which the said Company shall pay, before taking possession of such land or exercising such power as aforesaid; and upon such sum being ascertained, it shall be lawful for the said Company to tender such sum to the said party claiming compensation, who shall thereupon be bound to execute a conveyance of such land to the Company, or other such document as may be requisite, and the said Company shall, after such tender, whether such conveyance or other document be executed or not, be fully authorized to enter upon and take possession of such land, to and for the uses of the said Company, and to hold the same, or to exercise such power as aforesaid, in such and the like manner as if the conveyance thereof or other document had been executed as aforesaid; Provided always, that if any such owner or occupier shall neglect to name an arbitrator for the space of twenty days after having been notified so to do by the Company, or if the said arbitrators do not, within the space of twenty days after the appointment of such second arbitrator, agree upon such third arbitrator, or if any one or more of the said arbitrators shall refuse or neglect, within the space of ten days after his or

Arbitration if Company and proprietor cannot agree.

Proviso: if the owner, &c., neglects to name an arbitrator.

their appointment, to take upon him or them the duties thereby imposed, then, upon the application of the said Company, or of the other party, it shall be lawful for the Judge of the County Court of the County within which the land lies to nominate any disinterested competent person or persons, from any Township adjoining the Township in which such land shall be situate, to act as an arbitrator for the person so neglecting to name an arbitrator as aforesaid, or to act in the place of such arbitrator or arbitrators so refusing or neglecting as aforesaid, and every arbitrator so appointed by the Judge of the County Court as aforesaid shall and he is hereby required to hear and determine the matter to be submitted to him with all convenient speed, after he shall have been so nominated as aforesaid;

Award of two to be binding.

And any award made by a majority of the said arbitrators shall be as binding as if the three arbitrators had concurred in and made the same;

Proviso.

Provided that no road or other such work as aforesaid shall be made so as to encroach upon any building, or to pass through or upon any pleasure ground, garden, yard or orchard, nor shall any materials be taken therefrom, nor shall any timber be taken from any enclosed land, without the consent of the owner;

Proviso.

Provided also, that it shall not be competent for any owner or occupier of land through or along which such road is intended to pass, after a survey of such road is made, to erect any building, or to enclose any part of such surveyed land as a yard, or to plant fruit trees thereon so as to form an orchard, with a view to prevent such Company taking possession of such land.

Provision when lands are possessed by parties who cannot convey them.

20. Whenever any lands or grounds required by the Company for the purpose of any road or other such work, or with regard to which any such power is to be exercised as aforesaid, are held or owned by any person or persons, bodies politic, corporate or collegiate, whose residence may not be within this Province or may be unknown to the said Company, or where the titles to any such lands or grounds may be in dispute, or where such lands may be mortgaged, or when the owner or owners of such lands or grounds are unknown or unable to treat with the said Company for the sale thereof, or the exercise of any such power as aforesaid by the Company, or to appoint arbitrators as aforesaid, it shall and may be lawful for the said Company to nominate one indifferent person, and for the judge of the County Court where such lands are situate, on the application of the said Company, to nominate and appoint one other disinterested competent person, from any townships adjoining the townships in which such lands are situate, who, together with one other person to be chosen by the persons so named, before proceeding to arbitrate, or, in the event of their disagreeing as to the choice of such other person, to be appointed by any such Judge as aforesaid, before the others proceed to arbitrate, shall be arbitrators to award, determine, adjudge and order the respective sums of money which the said Company shall pay to the respective parties entitled to receive the

the same, for the said lands or grounds, or damages as aforesaid, and the decision of a majority of such arbitrators shall be binding, which said amount so awarded the Company shall pay or cause to be paid in Lower Canada into the Superior Court, and in Upper Canada into the County Court of the County in which the lands lie, to be paid over to the several parties entitled to the same according to their rights and interests therein upon the order of a Judge of any such Court; And a record shall be made and signed by the said arbitrators, or a majority of them, specifying the amount awarded and the costs of such arbitration, which may be settled by such arbitrators, or a majority of them, which record shall be deposited in the Registry Office of the County in or along which such lands or grounds are situate, and such Company shall thereupon be fully authorized to enter upon and take possession of such lands to and for the uses of the said Company, and to proceed with the construction of their road or other work in, along or over the same; And the arbitrators shall specify in the award by which of the parties the said costs are to be paid; Provided that in any case of arbitration under this Act, if the Company shall, before the appointment of their arbitrator, have tendered a sum equal to or greater than that awarded by the arbitrators, the costs of arbitration shall be paid by the opposite party, and may be deducted by the Company from the amount of the award, on payment thereof to the party entitled to receive the same; And provided also, that all lands or grounds which shall hereafter be taken by any such Company, for the purpose of any road or other such work, and which shall have been purchased and paid for by any such Company, in the manner hereinbefore provided, shall become and thenceforward shall continue to be the property of such Company, free from all mortgages, incumbrances and other charges.

Proviso.

Proviso.

21. In every case where any lands or works in Lower Canada shall be required or purchased, or taken possession of under the provisions of this Act, and when the said Company purchases or takes possession of such lands or works, and shall have cause to believe that the occupier or person in possession of such lands or works is not the legal owner thereof, or that such lands or works are already mortgaged or hypothecated, such Company shall not pay the amount of such purchase money or of such award to the occupier thereof, but shall have the right to deposit in the hands of the Prothonotary of the District in which such lands or works shall be situate, the purchase money of such land or works, or the amount awarded therefor by arbitration, as provided by this Act, together with their deed of purchase or award, as the case may be, and shall and may proceed to obtain a ratification by the Superior Court sitting in such District of such deed of purchase or award, as the case may be, in the same manner as is now practised for the ratification of title deeds, and the real proprietor

Proceedings for clearing off incumbrances in Lower Canada.

proprietor of such lands or works, and all others having claims in or upon the same, may intervene in such proceeding, and claim and obtain the purchase money or amount awarded for such lands or works, or their due share thereof, and such Court is hereby authorized to grant such ratification, and upon such ratification the said Company shall become and be the legal and indefeasible proprietor of such land or work, free and clear of all charges and incumbrances whatsoever, and the money so deposited shall stand in lieu of such land or work, and it shall be lawful for such Court to make such order as may seem meet for the protection of the parties entitled to the same, in case of substitution or where minor or interdicted parties are interested.

Interpretation.

23. The word "Townships," wherever it occurs in this Act, shall be construed to mean "Townships or Parish," and all powers by this Act conferred upon Judges of County Courts in Upper Canada, are hereby vested in the Judges of the Superior Court for Lower Canada.

Rights vested in Company not to be exercised as to lands in possession of another party for like purposes.

23. The said Company shall not be held entitled to exercise any of the rights or powers in the preceding five sections set forth, in respect of any land whatever which may be *bonâ fide* in occupation of any other party for purposes analogous to those for which the said Company might otherwise under this Act acquire the same; and none of the said rights and powers by the said sections conferred shall be exercised after the period of three years, from and after the passing of this Act.

Contracts, bills, notes, &c.

24. Every contract, agreement, engagement or bargain by or on behalf of the Company, and every promissory note made or endorsed, and every bill of exchange drawn, accepted or endorsed by or on behalf of the Company, or by any director, agent or servant thereof, in accordance with the powers devolved on him under the By-laws of the said Company shall be binding upon the Company; and in no case shall it be necessary to have the seal of the Company affixed to any document, contract, agreement, engagement, bargain, promissory note or bill of exchange, or otherwise, or to prove that the same was entered into, made or done in pursuance of the By-laws, nor shall the party entering into, making or doing the same as director, agent or servant, be thereby subjected individually to any liability whatsoever therefor; Provided always, that nothing in this section shall be construed to authorize the Company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money or as the notes of a Bank.

Proviso: Company not to act as bankers.

Liability of Stockholders, limited.

25. The stockholders shall not as such be held liable for any claim, engagement, loss or payment, or for any injury, transaction, matter or thing relating to or connected with the Company, or the liabilities, acts or defaults of the Company, beyond the amount of their respective shares in the capital stock thereof.

26.

26. The shares in the capital stock of the Company shall be deemed personal estate, and shall be transferable as such. Shares to be personalty.

27. Suits at law and in equity may be prosecuted and maintained between the said Company, and any stockholders thereof, and no stockholder of the Company not being in his private capacity a party to such suit, shall be incompetent as a witness in such suit. Witnesses in cases where Company is a party.

28. The Company shall keep a registry of their stockholders and transferees, and shall also annually prepare a list of their stockholders, and a statement of their assets and liabilities, and of all liens, charges and incumbrances on the property and stock of the Company, attested on the oath of two of the directors; a copy of which shall be laid before the Governor of this Province, whenever by him required. Register of Stockholders.

29. It shall be lawful for the Company at an annual meeting or special general meeting convened for the purpose, to make By-laws, rules and regulations for the conduct and management of the business affairs, real estate, vessels, stock, property and effects of the Company, and the same to amend, alter, repeal and re-enact as shall be deemed needful and proper; but a majority of the Directors shall be present therefor and assisting at the same, and the said By-laws, rules and regulations shall, among other things, particularly apply to and affect the following matters: Company may make By-laws for certain purposes.

1. Making calls and payment of the same; Calls.

2. Issues of certificates to the shareholders of their shares of stock, and the registration of the same, with the addresses of the said stockholders; Certificates.

3. Forfeiture or sale of shares or stock for non-payment of calls, such forfeiture not to be conclusive against the liable stockholder until the actual sale of the forfeited shares or the enforcement of the judgment for the payment of calls in arrear, as the case may be; Forfeiture for non-payment of calls.

4. Transfer of shares or stock, and approval and control thereof and of the transfer, by the Directors, and remedy against them by the Directors, with power to set off debts due to the Company by the stockholders against their shares or stock, and the dividends or payments arising therefrom; Transfer of stock.

5. Declaration and payment of profits and dividends in respect thereof; Dividends.

6. The formation and maintenance of a sinking or reserve fund; Reserve Fund.

Directors, servants, &c. 7. Removal and remuneration of Directors, appointment, removal and remuneration of all Agents, officers and servants deemed necessary for the business of the Company, together with the security and the amount thereof to be given by them for the performance of their respective duties;

Meetings. 8. Calling general and special or other meetings of the Company and of the Directors, the quorum and the business to be transacted at such meetings, and the mode of taking votes and regulating proxies of stockholders at such meetings;

Contracts, &c. 9. Making and entering into all contracts, bonds, bills, notes and other binding engagements with and to the Company, and whether by the Directors or the Agents of the Company, as may be deemed expedient;

Accounts. 10. Keeping regular accounts of the Company and correct minutes of proceedings of the Directors and stockholders, and rendering the same conclusive and binding on the stockholders;

Audit. 11. Audit of accounts and appointment of Auditors;

Proviso. Provided the said By-laws, rules and regulations are not contrary to the present Act, nor to the laws of this Province.

Public Act. 30. This Act shall be deemed a Public Act.

CAP. XCIX.

An Act to incorporate the Union Forwarding and Railway Company.

[*Assented to 4th May*, 1859.]

Preamble. WHEREAS Sir George Simpson, Knight, and William Cunningham, Henry Thomas, John G. Mackenzie, Thomas Workman, George H. Frothingham, John Smith, Joseph Tiffin, Joseph Aumond, A. Gilmour, John Hamilton, James Doyle, Daniel McLachlin, Daniel Hilliard, George E. Aird, Henry McKay, James Walker, H. F. Bronson and John Foran, Esquires, and others, have by Petition to the Legislature of this Province represented, that for the development of the Forwarding Trade for the conveyance of passengers and goods along the line of the River Ottawa, more especially above the City of Ottawa, and also upon the chief tributaries of the River Ottawa, above the City of Ottawa, it is highly desirable that a Company should be incorporated by Act of Parliament, with sufficient capital, and with all needful powers for the construction, ownership and maintenance of wharves and landing places at the several *portages* thereon, and for the making, holding, maintaining and working of such railroads and other land communications as may be requisite at such *portages*, and for

for the holding and running of steam and other vessels, and the ownership of stores and other necessary property and buildings, and that they are desirous of being so incorporated by the name of the "Union Forwarding and Railway Company;" And whereas it is expedient to grant their prayer to that end: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Company incorporated.

1. The said George Simpson, William Cunningham, Henry Thomas, John G. Mackenzie, Thomas Workman, George H. Frothingham, John Smith, Joseph Tiffin, Joseph Aumond, A. Gilmour, John Hamilton, James Doyle, Daniel McLachlin, Daniel Hilliard, George E. Aird, Henry McKay, James Walker, H. F. Bronson and John Foran, together with all such other persons as shall, under the provisions of this Act, become shareholders in the Company hereinafter named, and their respective heirs, administrators, executors, curators and assigns, shall be, and they are hereby constituted a body politic and corporate, by the name of the "Union Forwarding and Railway Company."

Corporate name.

Company may hold and employ steamers, &c.

2. The Company may construct, acquire, hold and charter, and may maintain and navigate, on the River Ottawa and the tributaries thereof above the City of Ottawa, and also, as occasion may require, on the River Ottawa below the said city, and on the River St. Lawrence below its junction with the River Ottawa, any steam and other vessels, of any description, for the carriage or forwarding of passengers, goods and freight of all kinds, to, from and between any places on or near the River Ottawa and its tributaries above the City of Ottawa, and the City of Ottawa, and the Cities of Montreal and Quebec respectively, and any intermediate places; and, as occasion shall require, may sell, mortgage, or otherwise dispose of any such steam or other vessels, or any other property or effects of the Company, and may carry and forward such passengers, goods and freight, on such terms as the Company may deem advisable, to, from and between any such places; and may tow and make voyages with such steam and other vessels upon the River Ottawa and its tributaries, and upon the River St. Lawrence within the limits aforesaid, when and on such terms as the Company may deem advisable, and generally may carry on and transact all such business, and do all such matters and things as may be incidental to the carrying out of the objects of the Company, or necessary or expedient to the effectual or profitable prosecution thereof; and may enter into any contract or arrangement with any bodies politic or corporate, or persons whomsoever, for the joint or better execution of any such objects, for the benefit of the Company.

And carry on the forwarding business on certain waters.

May construct Railways and other roads.

3. The Company may construct and maintain as their own, on any land which they may acquire, any railways and plank, macadamized,

macadamized, gravelled, and other roads, at and near any *portages* on the River Ottawa and the tributaries thereof above the City of Ottawa, wherever the same may require to be made in consequence of any obstruction of the navigation, and to be used by the Company in connection with their said steam and other vessels; and may acquire, take and hold any real estate required to that end, and all such wharves, docks, stores, warehouses, offices and other real estate whatsoever, as they may find necessary or convenient for the purposes of their traffic, but not for any other purpose; and may sell, hypothecate, lease and dispose of any such real estate whatsoever, and may acquire other instead thereof; Provided always, that the yearly rental or value of such real estate, when acquired, shall not exceed six thousand dollars in the whole.

And hold real estate for that purpose.

Proviso.

Capital and shares.

When they may commence business.

Calls.

Proviso.

4. The Capital Stock of the Company shall be two hundred and fifty thousand dollars, divided into five thousand shares of fifty dollars each; and shall be applied wholly to the purposes of the Company, and to no other use whatsoever; but the Company may commence their operations under this Act so soon as sixty-two thousand five hundred dollars of such capital stock shall have been subscribed and paid in; and the payment of the said stock shall be made by calls on each shareholder, for such sums and at such times as the Board of Directors of the Company shall determine; Provided always, that at least one month's notice be given of every such call.

Provisional Directors, named.

Elective Directors after first general meeting.

Quorum.

Vacancies.

5. The affairs of the Company shall be administered and its powers exercised until the first General Meeting thereof, by a Provisional Board of Directors, to consist of the said Henry Thomas, Joseph Aumond, John Foran and James Doyle,—and thereafter by a Board of eight Directors, to be elected at such meeting, being severally shareholders to the amount of one thousand dollars or more in the capital stock of the Company; and two of such Directors, in rotation, shall thenceforward retire annually from such Board, but may always be re-elected; and four members of such Board, until otherwise provided by by-law, shall form the quorum thereof; and in case of the death, resignation, removal, or other disqualification of any Director, such Board may fill the vacancy until the next annual general meeting of the Company, by appointing any qualified shareholder thereto.

Powers of Provisional Directors.

6. The said Provisional Board of Directors shall have full power to open stock-books, assign stock to parties subscribing, make calls on stock, and grant certificates and receipts therefor, to make provisional by-laws on any matters admitting of regulation under this Act by by-law, such provisional by-laws to have force until the first general meeting of the Company, to convene such first general meeting, and to do all other things whatsoever necessary or expedient in order to the organization of the Company and the conduct of its affairs until the election of the Board of Directors thereof.

7.

7. The first general meeting of the Company shall be held at the City of Ottawa, at such time within six months at furthest after the requisite amount of stock shall have been raised, and at such place as the said Provisional Board of Directors shall appoint, and after at least one month's due notice given thereof; and annual general meetings of the Company shall thereafter be held at such time and place, and after such notice to be given thereof, as by the by-laws of the Company shall from time to time be ordained. First general meeting. Notice. Annual meetings.

8. If at any time an election of Directors be not made or do not take effect at the proper time as appointed under this Act, the Corporation hereby constituted shall not be taken to be thereby dissolved, but it shall be lawful at any subsequent time to make such election, at a general meeting of the shareholders to be duly called by the Board of Directors for that purpose; and the term of office of any retiring Director of the Company shall not be deemed to have expired until his successor shall have been elected. Provision in case of failure of election of Directors.

9. The Board of Directors of the Company may make or cause to be made on behalf of the Company any description of contract whatsoever which the Company may by law enter into, and in all things to administer the affairs of the Company; and may from time to time make By-laws not contrary to this Act nor to law, to regulate the making of calls on stock,—the payment thereof,—the issue and registration of certificates of stock,—the forfeiture of stock for non-payment,—the disposal of forfeited stock and of the proceeds thereof,—the transfer of stock,—the declaration and payment of dividends,—the formation and maintenance of a reserve fund,—the appointment, functions and removal of all agents, officers and servants of the Company,—the security to be given by any of them to the Company,—their remuneration and that (if any) of the Directors,—the calling of meetings, general and special, of the Board of Directors and of the Company,—the quorum, mode of voting (by proxy or otherwise) and procedure generally at such meetings,—the imposition and recovery of all penalties and forfeitures admitting in anywise of regulation by by-law, and the conduct in all other particulars of the affairs of the Company; and may from time to time repeal, amend or re-enact the same; and every such by-law, and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a Special General Meeting of the Company duly called to that end, shall only have force until the then next annual general meeting of the Company, and shall require to be confirmed thereat; and any copy of any By-law under the Seal of the Company, and purporting to be signed by any officer of the Company, shall be received as *primâ facie* evidence of such By-law, in all courts in this Province. Powers of Directors. By-laws for certain purposes. Duration of By-laws. Evidence thereof.

10. The shares in the Capital stock of the Company shall be deemed personal estate, and shall be transferable as such, but Shares to be personalty:

but in such manner only and subject to all such restrictions as by any By-law of the Company may be prescribed; and no shares shall be transferable, unless with the express consent of the Board of Directors, until fully paid up.

How transferable.

Company not bound to see to trust to which shares are subject.

11. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any shares; and the receipt of the shareholder in whose name the same shall stand in the books of the Company, shall be a valid and binding discharge to the Company for any dividend or money payable in respect of such shares, and whether or not notice of such trust shall have been given to the Company; and the Company shall not be bound to see to the application of the money paid upon such receipt.

Corporations may hold stock.

12. Any Joint Stock Company, community, or body corporate may take shares in the Company.

Enforcing payment of calls.

13. It shall be lawful for the Company, either by suit, to enforce payment of any calls or of any unpaid part thereof, with interest on the sum due from the time of the call, and costs, or to forfeit and sell the shares whereon the same may be due, or a sufficiency of them, for the payment of the amount due, with interest; and in any such suit it shall be sufficient to allege the defendant to be the holder of one or more shares, as the case may be, and to be indebted to the Company in the amount in arrear thereon; and a certificate under their seal, and purporting to be signed by any officer of the Company, to the effect that the defendant is a stockholder, and that the calls in question have been made and that the amount claimed thereon is due and unpaid, shall be received as *primâ facie* evidence to that effect.

Suits for the same.

Liability of Shareholders limited.

14. The shareholders of the Company shall not as such be held responsible for any act, default or liability whatsoever of the Company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the Company, beyond the amount of their respective shares in the capital stock thereof.

Contracts, bills, notes, &c., of the Company.

15. Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed in the name, and every promissory note and cheque made, drawn or endorsed, on behalf of the Company, by any agent, officer or servant of the Company, in general accordance with his powers as such under the by-laws of the Company, shall be binding upon the Company; and in no case shall it be necessary to have the seal of the Company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any by-law or special vote or order; nor shall the

the party so acting as agent, officer or servant of the Company, be thereby subjected individually to any liability whatsoever to any third party therefor; Provided always, that nothing in this section shall be construed to authorize the Company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money or as the note of a Bank.

Proviso: Against Banking.

16. Any suit at law or in equity may be prosecuted and maintained between the Company and any shareholders thereof, and no shareholder, not being himself a party to such suit, shall be incompetent as a witness therein.

Shareholders may be witnesses, &c.

17. It shall be lawful for the Governor in Council, upon the report of the Commissioner of Crown Lands, to authorize the Company to enter upon any ungranted lands of the Crown, on which it may be deemed requisite or desirable that any work, such as the Company is authorized to construct, should be constructed, and to sell or grant to the Company any such lands; Provided always, that the Company shall first lay before the Commissioner of Crown Lands detailed plans of any works so contemplated, to be submitted by the said Commissioner, with his report, for the information and approval of the Governor in Council, and shall not deviate from such plans without being thereunto authorized by the Governor in Council.

Company may occupy lands of the Crown by consent of Governor in Council.

18. The Company may, if it be found necessary for the construction of any work or for any purpose contemplated by this Act, cut timber and procure stone, fuel and other materials from any unsold lands of the Crown lying beyond the limits of any land acquired by the Company as hereinbefore provided, on such terms and under such regulations as may be made by the Governor in Council, upon the like report of the Commissioner of Crown Lands.

May get materials with like permission.

19. The Company may explore the ground lying between the termini of any railway or other road, or which may be supposed to be adapted for the site of any such works or buildings as the Company is hereby authorized to undertake; and may designate, take and hold, the requisite land upon the line and within the limits of any such railway or other road, or for any such other work, according to the provisions hereinafter contained, and may take and carry away stone, gravel, sand, earth and other like materials, from any adjoining or neighbouring lands, and also may cut, make and keep in repair, upon such adjoining or neighbouring lands, such ditches, drains and water courses as may be necessary for effectually draining or carrying off the water from any such railway, road or other work; and whenever any such railway or other road passes through or by any wood or standing timber, the Company may cut down the trees and underwood for one hundred feet english measure on each side of the same, making

Company may explore the country.

And take lands requisite for their works, &c.

making compensation therefor as hereinafter provided: And for the purposes aforesaid, the Company and their agents, servants and workmen may enter into and upon the lands of any person, doing no unnecessary damage.

Compensation to be settled by arbitration if the Company and the owner cannot agree.

20. If the owner or occupier of any land, through or upon which the Company desire to construct any such railway, road or other work, or from which they desire to take materials, or upon which they intend to exercise any power given to them by this Act, neglects or refuses, upon demand made by the Company, to agree with them upon the price or amount of the damages to be paid for, or for passing through or upon such land and appropriating the same to the use of the Company, or for materials taken, or for the exercise of any such power as aforesaid, the Company may name one arbitrator, and the owner or occupier of such land may name another, and the said two arbitrators may name a third, and the said three arbitrators shall determine the amount which the Company shall pay such owner or occupier before taking possession of such land or taking materials therefrom or exercising such power as aforesaid, and also the amount which either party or both shall pay for the costs of the arbitration; and if any such owner or occupier neglects to name an arbitrator for the space of twenty days after having been required so to do by the Company, or if the said two arbitrators do not, within the space of twenty days after their appointment, name such third arbitrator, or if any one or more of the arbitrators appointed as herein provided, refuses or neglects within the space of ten days after his or their appointment, to take upon him or them the duties thereby imposed, then, upon the application of the Company, or of such owner or occupier, it shall be lawful for the Judge of the County Court of the County within which the land lies, if it be in Upper Canada,* and for any Judge of the Superior Court for Lower Canada, if the land be in Lower Canada, to nominate any disinterested competent person from any Township or Local Municipality adjoining that in which such land lies, to act as an arbitrator for the person so neglecting to name an arbitrator as aforesaid, or to act in the place of the arbitrator so refusing or neglecting as aforesaid; And any award made by a majority of the said arbitrators shall be as binding as if the three arbitrators had concurred in and made the same; and upon the amount of the compensation to be paid being so ascertained, the Company may tender the same, with any sum due for costs, or less any such sum as the terms of award may require, to the owner or occupier, who shall thereupon be bound to execute a conveyance of such land to the Company, or such other document as may be requisite; And the Company may, after such tender, and whether such conveyance or other document be executed or not, enter upon and take possession of such land for the use of the Company, and hold the same, or exercise such power as aforesaid, in like manner as if the conveyance thereof

Award of two to be binding.

On payment Company may take possession.

thereof or other document had been executed; but no such railway, road or other work shall encroach upon any building, or pass through or upon any pleasure ground, garden, yard or orchard, nor shall any timber or other materials be taken from any enclosed land, without the consent of the owner; and the owner or occupier of any land so required for any such railway, road or other work, after survey made, shall not, by erecting any building, or enclosing any part of such surveyed land as a pleasure ground, garden or yard, or by planting fruit trees, or forming an orchard thereon, prevent the Company from taking possession of such land.

Proviso: certain property not to be taken.

21. In case any land required by the Company for the purpose of any such railway, road or other work, or with regard to which any such power is to be exercised as aforesaid, is held or owned by any person or body politic, whose residence is not within this province or is unknown, or in case the title to any such land be in dispute, or in case the owner of such land be unknown or unable to treat with the Company for the sale thereof or for the exercise of any such power by the Company, or to appoint an arbitrator as aforesaid, the Company may name one disinterested competent person, and the Judge of the County Court of the County within which such land lies, if it be in Uppper Canada, and any Judge of the Superior Court for Lower Canada, if the land be in Lower Canada, on the application of the Company, may name another such person, from any Township or Local Municipality adjoining that in which such land lies, which persons, together with one other such person to be chosen by them, before proceeding to arbitrate, or, (in the event of their disagreeing as to the choice of such other person) to be chosen by such Judge, shall be arbitrators to determine what amount the Company shall pay for such land or for damages, and what amount either party or both shall pay for the costs of the arbitration, and the decision of a majority of such arbitrators shall be binding; and a record shall be made and signed by the said arbitrators, or a majority of them, specifying the amounts so awarded, which record shall be deposited in the Registry Office of the County in which such land lies, and the Company, after having first paid into the Superior Court in Lower Canada, if the land be in Lower Canada, or into the County Court of the County in Upper Canada in which the land lies, the amounts so awarded to be paid to the parties entitled thereto on the order of a Judge of any such Court, may thereupon enter upon and take possession of such land for the use of the Company, and hold the same, or exercise such power as aforesaid.

Provision as to lands of absentees or persons who have not the absolute title, &c.

Arbitration.

22. In any case of arbitration under this Act, if the Company, before the appointment of their arbitrator, tendered a sum equal to or greater than that awarded by the arbitrators, the costs of arbitration shall be paid by the opposite party.

Costs of arbitration.

23.

Powers of the Company not to be exercised in certain cases, not after a certain time.

23. The Company shall not be held entitled to exercise any of the rights or powers in the preceding six sections set forth, in respect of any land whatever which may be *bonâ fide* in occupation of any other party, for any such use as that for which the Company might otherwise under this Act acquire the same, nor yet after the expiration of three years from the time of the passing of this Act; nor shall they lay out and construct any new railway or other road without the previous consent, by By-law, of the County Council of the County within which the same may be; nor shall they take any land for the site of any new pier or wharf without the previous sanction of the Governor in Council.

Land taken in U. C. to be free from incumbrances.

24. And all land in Upper Canada so taken, purchased and paid for by the Company, as hereinbefore is provided, shall thereupon become the property of the Company, for such use as aforesaid, free from all mortgages, incumbrances and other charges.

Provision for freeing land in L. C. from incumbrances.

25. In every case where any land in Lower Canada is by the Company so acquired (whether by voluntary purchase or otherwise) or taken possession of as hereinbefore is provided, if the Company have reason to fear any claim, hypothec or incumbrance, or if any party to be paid or compensated therefor refuses to execute the proper conveyance and guarantee, or cannot be found, or is unknown to the Company, or if for any other cause the Company deem it advisable, the Company may pay such price or compensation (including any costs awarded if the case be one of award) into the hands of the Prothonotary of the Superior Court for the District in which the land is situate, with interest thereon for six months, and may deliver to such Prothonotary an authentic copy of the conveyance or of the award, as the case may be, forming the title of the Company; and proceeding shall thereupon be had for the confirmation of such title, in like manner as in other cases of confirmation of title, except that, in addition to the usual contents of the notice, the Prothonotary shall state that the title of the Company (that is, the conveyance or award, as may be) is under this Act, and shall call upon all persons entitled to such land or any part thereof, or representing or being the husband of any party so entitled, or having any other description of claim whatever, to file their claims to such price or compensation, or any part thereof; and all such claims shall be received and adjudged upon by the Court; and such judgment shall for ever bar all claims to the land, or any part thereof, (including dower not yet open), as well as all hypothecs and incumbrances whatsoever thereon; and the Court may make such order as to the distribution, payment or investment of such price or compensation, and otherwise for securing the rights of all parties whomsoever, as to right and justice may appertain.

Public Act.

26. This Act shall be deemed a Public Act.

CAP.

CAP. C.

An Act to incorporate the Transmundane Telegraph Company.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is desirable that a line of telegraphic communication should be established from this Province westward by way of the Aleutian Islands or Behring's Straits through Northern Asia to Europe, with branches extending to the great centres of commerce in the East Indies, Australia, China and Japan; and whereas Sir George Simpson, the Honorable Lewis T. Drummond, the Honorable John Young, and the Honorable Luther H. Holton have presented a petition praying to be incorporated for the purpose of constructing the first link in the said line: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Asssembly of Canada, enacts as follows:

Certain persons incorporated.

Corporate name and powers.

1. The said Sir George Simpson, the Honorable Lewis T. Drummond, the Honorable John Ross, the Honorable John Young, the Honorable Antoine Aimé Dorion, the Honorable Luther H. Holton and Perry McD. Collins, Esquire, together with all such persons as shall become stockholders of the Company hereinafter mentioned, shall be and are hereby constituted a body corporate and politic under the name of the "Transmundane Telegraph Company," and as such shall have perpetual succession, may have a common seal and change the same at their pleasure, may contract or be contracted with, may sue or be sued, may acquire, sell or otherwise dispose of any property, real, personal or mixed, and shall hold, possess and enjoy all the powers and privileges common to all corporate bodies.

Company may construct a Telegraph Line across the Continent of North America.

2. The said Company shall have full power and authority to construct, maintain and keep up an Electric Telegraph Line from the westernmost station of electric telegraph communication established in this Province, at the time when the said Company shall commence its operations, or from any point of connection with any Electric Telegraph then established in any one of the United States of America, or from both points, to the western limits of this Province, and thence (with the permission of the Hudson's Bay Company or the Government of Great Britain, or the Government of British Columbia) by way of the principal settlement at or near the mouth of Fraser River along the coast of the Pacific Ocean to the Russian Possessions in North America, together with such lateral lines or branches as the said Company may deem it advantageous to construct, provided that the course or direction of the line to be constructed within this Province be approved by the Governor in Council.

Power to purchase or lease other lines, and to amalgamate with other Companies.

3. The said Company shall also have power and authority to purchase or lease for any term of years any telegraphic line established or to be established either in this Province or in the Territory of the Hudson's Bay Company or in any other British possession, or in the territory or territories of any foreign Power or State, connecting or hereafter to be connected with the said line which the said Company is so authorized to construct, or to purchase or lease for any term of years the right of any Company to construct any such telegraph line, and shall also have power and authority to amalgamate with any Company, Board or persons possessing as proprietors any line of telegraphic communication connecting or to be connected with the said Company's line, either in this Province, in the possessions of the Hudson's Bay Company, in any other British Colony, or in the territory of any other foreign State or power, whether on the continent of America or in any other part of the world.

May accept grants of land, &c.

4. The said Company shall also have power and authority to accept from the Government of this Province, from the Imperial Government of Great Britain, or from any foreign Power, State or Government, or from the Government of British Columbia, or from any corporate body, either separately or conjointly with any company, board or individuals amalgamated with them as aforesaid, any guarantee or grant of lands or money in aid of their said undertaking.

Aliens may hold stock, and vote.

5. Aliens shall have equal rights with British subjects to take stock, to vote, and to be eligible to office in the said Company; and no shareholder shall be liable beyond the extent of the stock subscribed by him for any debt contracted by the Company.

Provisional Directors appointed.

6. The seven persons named in the first section of this Act are hereby constituted a Provisional Board of Directors of the said Company, and shall hold office as such until other Directors be elected by the shareholders, in the manner hereinafter provided; and in the event of any one or more of the said Provisional Directors dying before the election of other Directors, the survivors shall constitute the said Provisional Board, and four members thereof shall form a quorum.

Powers of Provisional Directors.

7. The said Provisional Directors shall have power and authority at any time after the passing of this Act, to open Stock Books and to procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be executed, to procure Charters or Acts of Incorporation from the Imperial Government of Great Britain, from any Colonial Government or from any Foreign State, Power or Legislature, which may be required for the continuation of the said Telegraph Line or its branches beyond the limits of this Province, and also to enter into any covenants, treaties or stipulations with

with the said Government of Great Britain, or with the Government of British Columbia, or with any Foreign Power or State, having for object to secure co-operation, guarantee or other aid to and for the said undertaking; and it shall be the duty of the said Provisional Directors to give notice in the *Canada Gazette* of the opening of the said Stock Books and of the places where the same shall have been deposited.

Capital and shares.

8. The capital of the said Company shall be two millions of dollars, in shares of one hundred dollars, with power to increase the same (by a By-law to be passed at a special meeting of the Directors convened for that purpose), to a sum not exceeding four millions of dollars, if the said sum of two millions of dollars should be found insufficient, subject to the approval of a majority of the shareholders present or represented by proxy at a meeting specially convened for that purpose.

Increase of capital.

First general meeting of Shareholders.

9. So soon as ten per centum of the said capital stock shall have been subscribed, and two per centum paid up, the said provisional directors, or a majority of them, may call a meeting of shareholders, either at the City of Montreal, in Canada, at the City of London, in England, at the City of Paris, in France, or at the City of New York, in the State of New York, as the said provisional directors may determine, and at such time as they may think proper, giving at least three months' notice in the *Canada Gazette* and in one or more newspapers published in Montreal, in London, in England, and in the chief city of every foreign state wherein any of the shareholders of the said Company may reside; and at the said general meeting and all other general meetings hereinafter mentioned, the shareholders present either personally or by proxy, shall elect nine persons to form and constitute a Central Board of Directors of the said Company.

Scale of votes.

10. Every shareholder shall be entitled to give one vote at every such meeting for every share he shall hold in the stock of the said Company not exceeding forty, and one vote for every ten shares over forty; and no person shall be eligible as a director who at the time of such election shall hold less than ten shares in the said Company, and who shal not have paid up all the calls due on all the shares subscribed for by him.

Triennial general meetings.

11. On the first Monday of the month of June, in every third year after the first general meeting, there shall be held a general triennial meeting for the election of directors at any one of the Cities named in the ninth section which may be appointed for that purpose by the Directors, and previous notice of every such meeting shall be given in the manner provided in the said ninth section; And at every such general meeting the Directors in office, or any of them, may be re-elected.

Election of Directors.

President and officers.

Quorum.

Majority.

Casting vote.

12. So soon as convenient after every such election, the Directors shall proceed to appoint a President, a Secretary and a Treasurer, and such other officers as may be required for the management of the affairs of the Company; five of the said Directors shall form a quorum; in the absence of the President, the Directors present, or a majority of them, shall elect a Chairman; all questions shall be decided by a majority of votes, and upon every equal division, the President or the Chairman for the time being shall give his casting vote in addition to the vote previously given by him as one of the Directors.

Local Boards of Directors.

13. The Directors may from time to time appoint Local Boards of Directors in any one or more of the above named cities, or in any other city or place, either in British territory or in the territory of any foreign Power or State; Provided that if the Central Board be not established at Montreal, a Local Board shall be appointed at that City.

The number of Local Directors and their term of office.

14. Every such Local Board of Directors shall consist of seven persons, qualified in like manner as persons eligible as Directors of the Central Board, and shall remain in office for such period of time, not less than one and not exceeding three years, as the said Central Board shall determine.

In case of their death or resignation.

15. Whenever any one or more of any such Directors, whether of the Central or of any Local Board die or resign, the remaining Directors shall appoint a Director or Directors in lieu of the person or persons so dying or resigning.

By-laws, how made, &c.

16. The said Central Board of Directors may from time to time make, alter, amend or repeal such Regulations and By-laws as may be necessary for the management of the affairs of the Company generally; And each Local Board may also, from time to time make, alter, amend or repeal such Regulations and By-laws as may be requisite for the management of the part of the undertaking under its immediate control, provided the same be not inconsistent with any Regulations or By-laws made by the Central Board.

Powers of Company for the construction of their line of Telegraph.

17. The said Company, their deputies, servants, agents and workmen are hereby authorized and empowered to enter into and upon the lands, grounds and premises of any person or persons, bodies politic, corporate or collegiate, or communities whatsoever, and survey and take levels of the same or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said intended Telegraph, and all such other works, matters and conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining and using the said intended Telegraph and other works, and also to bore, dig, cut, trench, get, remove, take, carry away, and lay earth, clay, stone, soil, rubbish, trees, roots of trees, beds of gravel or sand,

or

or any other matters or things which may be dug or got in making the said intended Telegraph or other works, on or out of the lands adjoining or lying convenient thereto, and which may be proper, requisite or necessary for making or repairing the said intended Telegraph or works incident or relative thereto, or which may hinder, prevent or obstruct the making, using or completing, extending or maintaining the same respectively, according to the intent and purpose of this Act, and to build, erect and set up, in or upon such lands, such and so many station-houses and observatories, watch-houses and other works, ways, roads and conveniences, as and where the said Company shall think requisite and convenient for the purposes of the said Telegraph; And also from time to time to alter, repair, divert, enlarge and extend the same, and to construct, erect and keep in repair any bridges, arches and other works upon or across any rivers or brooks for the making, using, maintaining and repairing the said intended Telegraph; And to construct, erect, make and do all other matters and things which they shall think convenient and necessary for the making, effecting, extending, preserving, improving, completing, and easy using of the said intended Telegraph and other works, in pursuance of and according to the true intent and meaning of this Act, they, the said Company, doing as little damage as may be, in the execution of the several powers to them hereby granted, and making satisfaction, whenever required so to do, to the owners or proprietors of or the persons interested in the lands, tenements, or hereditaments, water, water-courses, brooks or rivers respectively, which shall be taken, used, removed or prejudiced, or for all damages to be by them sustained in or by the execution of all or any of the powers of this Act: And whensoever and wheresoever the said Telegraph do or shall pass through any wood, the trees and underwood may be cut down for the space of fifty feet on each side of the said Telegraph upon which such trees and underwood may be.

Company to do as little damage as possible to property, &c.

18. The said Company shall have full power and authority to set up posts for supporting the wires of the said Telegraph in and upon any public road, street or highway, and to make the necessary excavations in the same for placing such posts or poles, or for carrying the said wires under the surface; and such posts, and wires and other apparatus therewith connected shall be the property of the said Company, as shall also all such posts or poles or apparatus as shall be set up or carried under the surface of the ground by the said Company for the purposes aforesaid, although the lands on which the same are set up or carried under the surface be not the property of the said Company.

Further powers in construction of Telegraph.

19. It shall be the duty of the Company to transmit all despatches in the order in which they are received, under a penalty of not less than five nor exceeding twenty-five pounds, to be recovered with costs of suit, by the person or persons whose

Order of transmission of messages.

Payment for transmission.

whose despatch is postponed out of its order; and the said Company shall have full power to charge for the transmission of such despatches, and to receive, collect and recover such rates of payment as shall be from time to time fixed by the By-laws of the Company.

Telegraph always open to messages of the Government.

20. All lines of telegraph constructed or worked by the Company shall at all reasonable times be open for the transmission of intelligence for Her Majesty; and the Company shall receive, transmit and deliver all such messages and signals as shall from time to time be tendered for transmission for Her Majesty, or on Her Majesty's service.

Government messages to have the preference.

21. All messages and signals sent or forwarded for transmission and delivery for Her Majesty, or on Her Majesty's service, shall have priority over all other messages whatsoever, and it shall be imperative on the Company, their officers and servants, to transmit and deliver such messages and signals accordingly, and to suspend the transmission of all or any other messages until the said messages and signals shall first have been transmitted; and as between themselves such other messages and signals shall have no right of priority, but shall be transmitted and delivered in the order in which they may be respectively tendered for transmission, or respectively arrive for delivery; Provided that in case of war the said Company shall be subjected, as to the transmission of all messages and signals, to such orders as may from time to time be made by the Governor in Council.

No priority among other messages.

Proviso.

Company to go into operation within a certain period.

22. Unless the Company shall go into *bonâ fide* operation, with a paid up Capital of not less than two hundred thousand dollars, within five years after the passing of this Act, this Act and all the powers herein contained shall be null and void; And nothing in this Act contained shall be construed to give any exclusive rights to the said Company.

Penalty for divulging private despatches.

23. Any operator of the said Telegraph Line, or person employed by the said Telegraph Company, divulging the contents of a private despatch, shall be deemed guilty of a misdemeanor, and on conviction shall be liable to a fine not exceeding twenty-five pounds, or to imprisonment for a period not exceeding three months, or both, in the discretion of the Court before which the conviction shall be had.

Penalty for injury, &c., to Line.

24. Any person who shall wilfully and maliciously injure, molest or destroy any of the said lines, posts, piers or abutments, or the material or property belonging thereto, or in any way disturb the working of the said line of Telegraph, shall, on conviction thereof, be deemed guilty of misdemeanor, and be punished by a fine not exceeding ten pounds, or imprisonment not exceeding one month, or both, at the discretion of the Court before which the conviction shall be had.

Private Act.

25. This Act shall be deemed a Public Act.

CAP.

CAP. CI.

An Act to incorporate the Canadian and British Telegraph Company.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS The Honorable John Young hath, by his petition, prayed that a Charter be granted to him and his associates, hereinafter mentioned, for the purpose of establishing telegraphic communication between the Continents of Europe and North America; And whereas it is deemed expedient to grant the prayer of the said petitioner: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons incorporated.

1. The said Honorable John Young, the Honorable Luther H. Holton, Theodore Hart, Thomas Cramp, Robert James, Roy Campbell, James Wyld, Thomas Page, Josiah Patrick Wise, John Yates, and their associates, and all other persons who may hereafter become holders of the Stock hereinafter mentioned, are hereby constituted a body politic and corporate, and shall be known by the name of *The Canadian and British Telegraph Company*, for the purpose of establishing telegraphic communication between the Continents of Europe and North America, *viâ* the Labrador Coast and Canada, and for the purpose of establishing branches thereof in this Province and elsewhere.

Company to acquire and hold certain Lines of Telegraph.

2. The said Company may also establish, construct, purchase, hire, keep in order and work any line or lines of telegraph from the City of Quebec or from any other place within the Province of Canada, either by land or water, following the bed of the River St. Lawrence, or otherwise, or by both or either of them, to the most easterly point of the Labrador Coast, or to the Island of Belle-Isle, and with power and right to touch and land, should a subaqueous and submarine route be adopted or be partly so, for the purposes and uses of the Company, or for the purposes of opening and maintaining stations thereof at all such point or points, place or places in any part of the Province of Canada, or places under its jurisdiction, or between any two or more points therein, or between any point or points therein, and any island, province, country or place in or near the Continent of America, or in or near the Continent of Europe, or in the Gulf of St. Lawrence, or in the Atlantic Ocean, and with full power and authority to make such connection with the line of any Telegraphic Company or Companies in any portion of the United Kingdom of Great Britain and Ireland, and any such arrangement for working the same as to the said Company or its Directors shall appear fitting; And the company may borrow such sums of money (not exceeding in all the sum of five hundred thousand pounds, or two

May borrow $2,000,000.

two millions of dollars,) and may issue such Bonds therefor, in such amounts, and made payable at such times, and bearing such interest, and secured in such manner (by mortgage or otherwise) as the said Corporation may deem expedient and proper in carrying out any of the objects and purposes aforesaid, and may make, adopt and use a Corporate Seal, and may sue and be sued, and may do every other act and thing whatsoever, which may reasonably come within the scope, purposes and objects contemplated by this Act.

Corporate powers.

Company may erect Telegraph Lines.

3. The said Corporation may lay down, erect and maintain its Line or Lines of Telegraph along the sides of and across any public highways, bridges, water-courses, or other such places, provided the said Corporation shall not interfere with the public right of travelling thereon, and may enter upon any lands or places, and survey and set off such parts thereof as may be necessary for such Line or Lines of Telegraph, and may, with the consent of the Governor in Council, take from any part of the ungranted and unoccupied Crown Lands of this Province, any posts or building materials, necessary to make or repair the said Line or Lines or any buildings in connection therewith; and in case of disagreement between the Company and any owner or occupier of lands which the said Corporation may take for the purposes aforesaid, or in respect to any damage done to the same, by constructing the Line or Lines through or upon the same, the said Corporation and such owner or occupier, as the case may be, shall each choose an arbitrator, which two arbitrators shall choose a third, and the decision (on the matter in difference) of any two of them, in writing, shall be final; and if the said owner or occupier, or the agent of the said Corporation, shall neglect or refuse to choose an arbitrator within four days after the notice, in writing, from the opposite party to him, and upon proof of personal service of such notice, or if such two arbitrators, when duly chosen, shall disagree in the choice of a third arbitrator, in any such case it shall be lawful for the Commissioner of Public Works, for the time being, to nominate any such arbitrator, or such third arbitrator, as the case may be, who shall possess the same power as if chosen in manner above provided; Provided always, that nothing herein contained shall be construed to confer on the said Corporation the right of building a bridge over any navigable river in this Province.

Where materials may be taken.

In case of disagreement with owners of land, arbitrators to be appointed.

Proviso: as to bridges.

Capital to be $1,000,000.

Shares.

4. The Capital of the said Corporation shall be Two Hundred and Fifty Thousand Pounds, or One Million Dollars, and shall be divided into shares of Twenty-five Pounds, or One Hundred Dollars each; and the said Capital may be increased, from time to time, by resolution of the Board of Directors, by and with the consent of a majority in amount of the shareholders; but such capital shall at no time be made to exceed Two Millions of Dollars.

Subscription books; when and where to be opened.

5. The said Honorable John Young, Luther H. Holton, Theodore Hart, Thomas Cramp, Robert James, Roy Campbell, James Wyld, Thomas Page, Josiah Patrick Wise and John Yates, shall cause books of subscription to be opened in the City of Montreal for thirty days, and afterwards in such other place or places as they may from time to time appoint, until the meeting of Shareholders hereinafter provided for, for receiving subscriptions of persons willing to become subscribers to the said undertaking; and for that purpose it shall be their duty, and they are hereby required to give public notice in one or more newspapers published in the said City, as they or a majority of them may think proper, of the time and place at which such books will be opened and ready for receiving subscriptions as aforesaid, of the persons authorized by them to receive such subscriptions, of the Bank or Banks into which the deposit thereon is to be paid, and of the time hereinafter limited for such payment; and every person whose name shall be written in such book as a subscriber to the said undertaking, and who shall have paid within ten days after the closing of the said books, into any of the Banks so appointed, or to any of their branches or agencies, ten per centum on the amount of stock so subscribed for, to the credit of the said Company, shall thereby become a member of the said Company, and shall have the same rights and privileges as such as are hereby conferred on the several persons who are herein mentioned by name as members of the said Company; Provided also, and it is hereby enacted, that such ten per centum shall not be withdrawn from the said Banks, or otherwise applied, except for the purposes of the said Telegraph Company, or upon the dissolution of the said Company from any cause whatsoever.

Time and place and all details to be published.

Subscribers to be members of the Company, on paying ten per cent.

Proviso.

Eleven Directors.

6. The concerns of the said Corporation shall be managed by a Board of Directors, to consist of eleven members, who shall be Stockholders of forty shares each of the said Corporation, and who shall be chosen and hold their office as hereinafter provided.

When the Company shall go into operation.

7. Whenever five thousand shares of the said Capital Stock shall be subscribed, and ten per centum paid in as aforesaid, the said Corporation shall go into operation, and the shareholders may meet at such time and place, and upon such notice as a majority of them shall appoint; and at such meeting a Board of Directors shall be chosen; such Directors shall hold their office for one year, and until others shall be chosen in their places, and a majority of them shall constitute a quorum for the transaction of business; and there shall be an annual election of the Board of Directors at such time and place, and on such notice as shall be prescribed by the by-laws of the said Corporation; and it shall be the duty of the Stockholders to make and establish such by-laws, rules and regulations as they shall deem necessary, proper and expedient, touching and concerning

How and for what time Directors shall be elected.

Stockholders to make By-laws, &c.

concerning the government of the said Corporation, and the management, control and disposition of the property, moneys, estate and effects of the same, the transfer of shares, the duties and conduct of the Directors and of the officers and servants of the said Corporation, the election and meetings of Directors, and all matters whatsoever which may appertain to the concerns of the said Corporation; And at all meetings of the Stockholders, each share shall entitle the holder to one vote, which may be given in person or by proxy.

Votes.

President and Vice-President.

Vacancies.

8. The Directors shall appoint one of their number to act as President, and another to act as Vice-President; and may appoint such other officers and agents as they shall deem necessary; When any vacancy shall happen among the Directors, it may be filled up by the remaining Directors, for the remainder of the term only; and the Directors may remove all officers appointed by them and appoint others in their places, and may fill all vacancies in the offices.

Stock books may be opened in Great Britain and Ireland.

9. The Directors of the said Company, for the time being, may open or cause to be opened stock-books for the subscription of parties desiring to become shareholders in the capital stock of the said Company, in as many and such places in the United Kingdom of Great Britain and Ireland and elsewhere, as they shall think fit, and may make such shares payable in such manner as the Directors shall see fit, and further may issue shares for stock subscribed in England or elsewhere, in such amounts respectively of sterling money of Great Britain as to such Directors shall from time to time seem fit, and may make the dividends thereon payable in like sterling money in England or elsewhere, at such place or places as to such Directors shall from time to time seem fit, and from time to time may appoint agents of the said Company in England or elsewhere, and may delegate to such agents such powers as to the Directors of the said Company shall from time to time seem fit, and may make such rules and regulations as to the Directors of the said Company shall from time to time seem fit, as to the issuing of such shares in England or elsewhere, and as to the mode, time, place or places of such transfer of such shares, and as to the mode, time and place of paying the dividends from time to time to accrue thereon, and otherwise as shall be deemed requisite or beneficial, for giving full effect to the powers hereby vested in the Directors of the said Company in respect of issuing such shares in England or elsewhere; and the said Directors, under a by-law so to be enacted by them, may fix the amount of the shares in the capital stock of the Company, at the sums of fifty pounds sterling or currency respectively, and they shall have power to consolidate and convert the present shares into shares of fifty pounds sterling or currency, by uniting together such number of shares of twenty-five pounds currency each, as may be requisite to make a share of fifty pounds sterling or currency respectively, at the option of the shareholders.

Agents may be appointed.

Shares may be fixed at £50 sterling or currency.

10.

10. The said Corporation shall keep its principal office in the city of Montreal; The meetings of the Board of Directors shall be held and the stock of the said Company shall be registered and transferred in that city; but the Directors may, if it shall be deemed advisable, establish another office or other offices elsewhere, for the transfer of the stock of the said Corporation; and subordinate Boards of Directors may be created, with limited powers, for the transaction of such business as may be entrusted to them by the said Corporation.

Principal office to be at Montreal.

Other offices may be opened.

11. The Directors may require payments of subscription to the said capital stock, at such times and in such proportions as they may deem proper, under the penalty of forfeiting all stock and previous payments thereon; and the said Company may sue for and recover all such subscriptions; Notice of the times and places of such payments shall be published for four weeks previous to such times, at least once in each week, in at least two newspapers published in the city of Montreal.

How subscriptions shall be paid; calls.

Notice.

12. All and every the shares in the capital stock of the said Corporation, and all profits and advantages thereof, shall be deemed to be personal estate, and shall be transferable and transmissible as such; Provided always, that no assignment or transfer of any share shall be valid or effectual until such transfer be entered and registered in a book to be kept for that purpose; And provided also, that whenever any stockholder shall transfer in manner aforesaid all his stock or shares in the said Company, such stockholder shall cease to be a member of the said Corporation.

Shares to be considered personal estate.

Proviso.

Proviso.

13. Any person wilfully interrupting the free use by the said Company of any Telegraphic Line, established, hired, or used by it, or any works connected therewith, shall be subject to a penalty of not less than ten pounds nor more than one hundred pounds, to be recovered by any person informing and suing for the same, in a summary way before one or more Justices of the Peace, and to be levied by a warrant of distress and sale of the offender's goods and chattels, one half of such penalty to go to the party suing for the same, and the other half to be paid to the Receiver General of the Province for the use thereof, and in default of goods or chattels to satisfy such warrant, every such offender shall be committed to gaol by such Justice or Justices for any period not exceeding one hundred days; and if any person shall wilfully or maliciously obstruct or damage any such Telegraphic Line, works, buildings, machinery, or other property connected therewith, he shall be guilty of a misdemeanor, and shall be punished by imprisonment for a period not exceeding one year, and by a fine not exceeding two hundred pounds; And every operator, agent or servant of the said Company employed in the transmission or delivery of intelligence or messages, shall, before he enters on the duties of his office, make oath

Penalty for injuring Company's property.

How to be recovered.

Servants of Company to make oath of secrecy.

oath before a Judge or Justice of the Peace, that he will not wilfully divulge the contents of any message transmitted by the said Company, or left with any of its operators, agents or servants for transmission or delivery; and every person violating the said oath shall be adjudged guilty of a misdemeanor and punished by imprisonment for a period not exceeding one year, or by a fine not exceeding two hundred pounds.

Penalty.

Telegraph to be always open for Government messages.

14. All Lines of Telegraph constructed or worked by the Company, shall at all reasonable times be open for the transmission of intelligence for Her Majesty; and the Company shall receive, transmit and deliver all such messages and signals as shall from time to time be tendered for transmission for Her Majesty, or Her Majesty's service.

Government messages to have preference over others.

15. All messages and signals sent or forwarded for transmission and delivery for Her Majesty or on Her Majesty's service, shall have priority over all other messages whatsoever, and it shall be imperative on the Company, their officers and servants, to transmit and deliver such messages and signals accordingly, and to suspend the transmission of all or any other messages until the said messages and signals shall first have been transmitted; and as between themselves, such messages and signals shall have no right of priority, but shall be transmitted and delivered in the order in which they may be respectively tendered for transmission or respectively arrive for delivery; Provided that in case of war the said Company shall be subjected as to the transmission of all messages and signals to such orders as may from time to time be made by the Governor in Council.

Others to have no priority among themselves.

Proviso: in case of war.

Time for commencing and completing limited.

16. The said undertaking shall be commenced within two years, and completed from Quebec to Labrador within five years from the passing of this Act, otherwise this Act shall be null and void.

Public Act.

17. This Act shall be deemed and taken to be a Public Act.

CAP. CII.

An Act to incorporate the Royal Bank of Canada.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS Henry Masterman, Frederick Mildred, John Dudin Brown, and John Addis, all of the City of London, in England, Esquires, have by their petition prayed that they and their associates and legal representatives might be incorporated for the purpose of establishing a Bank in Canada

And

And whereas it would be conducive to the general prosperity of the country, that the said persons and others who see fit to associate themselves with them, should be incorporated for the said purpose: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Incorporation.

1. The several persons hereinbefore named, and such other persons and bodies corporate and politic as may become shareholders in the Company to be by this Act created, and their assigns, shall be, and they are hereby created, constituted and declared to be a corporation, body corporate and politic, by the name of "The Royal Bank of Canada," and shall continue such Corporation, and shall have perpetual succession and a corporate seal, with power to alter and change the same at pleasure, and may sue and be sued, implead or be impleaded in all Courts of Law as other corporations may do; and shall have the power to acquire and hold real and immoveable estate for the management of their business, not exceeding the yearly value of three thousand pounds sterling, and may sell, alienate or exchange the same, and acquire other instead, and may, when duly organized as hereinafter provided, make, ordain and establish such rules, regulations and By-laws, as to them shall seem meet and necessary for the due and proper administration of their affairs and the management of the said Bank, (such By-laws, rules and regulations not being inconsistent with this Act or contrary to the laws of this Province); Provided however, that such By-laws, rules and regulations shall be submitted for approval to the stockholders or shareholders in the said Bank, at their regular annual meetings.

Corporate name and powers.

Real estate limited.

By-laws.

Proviso.

Capital £300,000—Shares £20 each.

2. The Capital Stock of the said Bank (the words "the said Bank," meaning throughout this Act the Corporation aforesaid,) shall be three hundred thousand pounds sterling divided into fifteen thousand shares of twenty pounds sterling each, which shall be and are hereby vested in the several persons, who shall subscribe for the same, their legal representatives and assigns; Provided always, that the majority in number and value of the said shareholders shall always be British subjects resident in Great Britain or Ireland or some of Her Majesty's Colonies.

Proviso.

First meeting for election of Directors.

3. As soon as the sum of one hundred thousand pounds sterling of the said Capital Stock shall have been subscribed, and twenty-five thousand pounds sterling actually paid in thereupon, it shall and may be lawful for the subscribers, or a majority of them, to call a meeting at some place to be named in Toronto, or in London, England, for the purpose of proceeding to the election of the number of Directors for the said Bank hereinafter mentioned, and such election shall then and there be made by a majority of shares voted upon in the manner

manner hereinafter prescribed in respect of the annual election of Directors, and the persons then and there chosen shall be the first Directors, and shall be capable of serving until the first Monday of June, which will be in the year of Our Lord, one thousand eight hundred and sixty; Provided always, that no such meeting of the said subscribers shall take place until a notice specifying the objects of such meeting is published in one or more newspapers published in London or Toronto at least twenty days previous to such time of meeting; And provided also, that unless the said subscription of Capital Stock and the said payment thereon be completed within twelve months after the passing of this Act, this Charter and Act shall be null and void.

Period of service of Directors.

Proviso: notice to be given.

Proviso: subscription to be completed in one year.

Instalments.

4. The shares of the Capital Stock subscribed for shall be paid in and by such instalments, and at such times and places, as the said Directors shall appoint; and executors, administrators and curators paying instalments upon the shares of deceased Shareholders, shall be and they are hereby respectively indemnified for paying the same; Provided always, that no share or shares shall be held to be lawfully subscribed for unless a sum equal to at least ten per centum on the amount subscribed for be actually paid at the time of subscribing; Provided further, that it shall not be lawful for the subscribers to the Capital Stock hereby authorized to be raised, to commence the business of Banking until a sum not less than fifty thousand pounds sterling shall have been duly paid in by such subscribers; Provided further, that the remainder of the said Capital Stock shall be subscribed and paid up as follows, that is to say: the sum of fifty thousand pounds sterling within eighteen months; the further sum of one hundred thousand pounds sterling within three years; and the further sum of one hundred thousand pounds sterling within five years after the said Bank shall have so commenced the business of Banking, under penalty of forfeiture of their Charter.

Proviso: ten per cent. payable on subscribing.

Proviso: condition precedent to commencing the business of Banking.

Proviso: within what time the full capital to be paid up.

Subscribers may pay in full, &c.

5. If any person or persons subscribing for shares of the Capital Stock of the said Bank shall also be willing to pay up, at the time of subscribing, the full amount of the shares subscribed for, it shall and may be lawful for the Directors of the Bank, and at any time, within the period hereinbefore limited for subscribing for such stock, to admit and receive such subscriptions and full payment or payments of any number of instalments.

Forfeiture for non-payment of calls.

6. If any shareholder or shareholders shall refuse or neglect to pay any instalments upon his, her or their shares of the said capital stock at the time or times required by the Directors as aforesaid, such shareholder or shareholders shall incur a forfeiture to the use of the said Bank of a sum of money equal to ten per centum on the amount of such shares; and

and moreover, it shall be lawful for the Directors of the said Bank (without any previous formality other than thirty days' public notice of their intention), to sell at public auction the said shares, or so many of the said shares as shall, after deducting the reasonable expenses of the sale, yield a sum of money sufficient to pay the unpaid instalments due on the remainder of the said shares, and the amount of forfeitures incurred on the whole; and the President with the Vice-President, or the cashier of the said Bank, shall execute the transfer to the purchaser of the shares of stock so sold, and such transfer being accepted shall be as valid and effectual in law as if the same had been executed by the original holder or holders of the shares of stock thereby transferred; Provided always, that nothing in this section contained shall be held to debar the Directors or Shareholders at a general meeting from remitting either in whole or part, and conditionally or unconditionally, any forfeiture incurred by the non-payment of any instalment as aforesaid.

Sale of Shares on which calls or not paid.

Proviso: forfeiture may be remitted.

7. The chief place or seat of business of the said Bank in this Province shall be in Toronto, but it shall and may be lawful for the Directors of the Bank to open and establish in other places, Towns and Cities in this Province, Branches, or Agencies, or offices of discount and deposit of the said Bank, under such rules and regulations for the good and faithful management of the same as to the said Directors shall from time to time seem meet, not being repugnant to any law of this Province, to this Act, or to the By-laws of the said Bank.

Chief place of business.

Branches.

Branch offices, &c.

8. For the management of the affairs of the said Bank, there shall be seven Directors annually elected by the shareholders of the capital stock thereof, at a general meeting of them to be held on the first Monday in June in each year after the present year, one thousand eight hundred and fifty-nine, at the City of Toronto, in this Province; at which meetings the shareholders shall vote according to the scale or rule of votes hereinafter established; and the Directors elected by a majority of votes given in conformity to such rule or scale shall be capable of serving as Directors for the ensuing twelve months; and at their first meeting after such election the Directors shall choose out of their number a President and a Vice-President, who shall hold their offices respectively during the same period; and in case of a vacancy occurring in the said number of seven Directors, the remaining Directors shall fill the same by election from among the shareholders, and such Director so elected shall be capable of serving as a Director until the next annual general meeting of the shareholders; and if the vacancy occurring in the said number of seven Directors shall also cause the vacancy of the office of President or Vice-President, the Directors, at their first meeting after their number shall have been completed as aforesaid, shall fill the vacant office by choice or election from among themselves, and the Director so chosen

Seven Directors to be elected annually by a majority of votes.

President and Vice-President.

Vacancies, how filled.

chosen or elected to be President or Vice-President shall fill the office to which he shall be so chosen or elected until the next annual general meeting of the shareholders; Provided always, that each of the Directors shall be the holder and proprietor in his own name of not less than fifty shares of capital stock of the said Bank wholly paid up, and shall be a natural born or naturalized subject of Her Majesty; And provided also, that it shall be lawful for the shareholders at any annual meeting to pass a By-law directing that four of the Directors in office at the period of such annual election shall be re-elected for the next ensuing twelve months.

Proviso: qualification of Directors.

Proviso: as to re-election of Directors.

Proviso: if any election should fail.

9. If at any time it shall happen that an election of Directors shall not be made or take effect on the day fixed by this Act, the said Corporation shall not be deemed or taken to be thereby dissolved, but it shall be lawful at any subsequent time to make such election at a general meeting of the shareholders to be called for that purpose; and the Directors in office when such failure of election shall take place shall remain in office until such election shall be made.

Who may inspect the Bank books.

10. The books, correspondence and funds of the said Bank shall at all times be subject to the inspection of the Directors, but no shareholder not being a Director shall inspect or be allowed to inspect the account or accounts of any person or persons dealing with the said Bank.

Quorum of Directors and who to preside.

11. At all meetings of the Directors of the said Bank, not less than three of them shall constitute a Board or quorum for the transaction of business; and at the said meetings the President, or in his absence the Vice-President, or in their absence one of the Directors present, to be chosen *pro tempore*, shall preside; and the President, Vice-President, or President *pro tempore* so presiding shall vote as a Director only.

Directors to make By-laws for certain purposes.

12. It shall and may be lawful for the Directors of the said Bank from time to time to make and enact By-laws, Rules and Regulations (the same not being repugnant to this Act or to the Laws of this Province,) for the proper management of the affairs of the said Corporation, and from time to time to alter or repeal the same, and others to make and enact in their stead; Provided always, that no By-law, Rule or Regulation so made by the Directors shall have force or effect until the same shall, after six weeks' public notice, have been confirmed by the shareholders at an annual general meeting, or at a special general meeting called for that purpose.

Proviso: as to notice.

Payment of President and Directors.

13. The shareholders may, by a By-law, appropriate a sum of money for the remuneration of the services of the President and Directors as such, and the President and Directors may annually apportion the same among themselves as they may think fit; no Director shall act as a private banker.

Proviso.

14.

14. The Directors of the said Bank shall have power to appoint a Cashier, Assistant Cashier, and Secretary, and Clerks and Servants under them, and such other officers as shall be necessary for conducting the business of the said Bank, and to allow reasonable compensation for their services respectively, and shall also be capable of exercising such powers and authority for the well governing and ordering of the affairs of the Corporation as shall be prescribed by the By-laws thereof; Provided always, that before permitting any Cashier, Assistant Cashier, Officer, Clerk or Servant of the Bank, to enter upon the duties of his office, the Directors shall require him to give bond with sureties to the satisfaction of the Directors, that is to say: Every Cashier in a sum not less than five thousand pounds sterling, every Assistant Cashier in the sum of three thousand pounds sterling, and every other officer, clerk or servant in such sum of money as the Directors shall consider adequate to the trust reposed in him, with condition for good and faithful behaviour.

Directors to appoint Bank Officers and Servants.

Proviso: security to be taken from each.

Amount.

15. It shall be the duty of the Directors to make half-yearly dividends of so much of the profits of the said Bank as to them shall appear advisable, and such dividends shall be payable at such place or places as the Directors shall appoint, and of which they shall give thirty days' public notice previously; Provided always, that such dividends shall not in any manner lessen or impair the capital stock of the said Bank.

Directors to make dividends.

Proviso.

16. The general meetings of the shareholders of the said Bank to be held annually as aforesaid, for the purpose of electing Directors in the manner hereinbefore provided, shall be general meetings also for all other general purposes touching the affairs and the management of the affairs of the said Bank; and at each of the said annual general meetings the Directors shall exhibit a full and clear statement of the affairs of the said Bank.

Statement of affairs of Bank to be exhibited at yearly meetings.

17. The number of votes which the shareholders of the said Bank shall respectively be entitled to give at their meetings shall be according to the following scale, that is to say: for one share, and not more than two, one vote; for every two shares above two, and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten, and not exceeding thirty, one vote, making ten votes for every thirty shares; for every six shares above thirty, and not exceeding sixty, one vote, making fifteen votes for sixty shares; and for every eight shares above sixty, and not exceeding one hundred, one vote, making twenty votes for one hundred shares; and no shareholder shall be entitled to give a greater number of votes than twenty; and it shall be lawful for absent shareholders to give their votes by proxy, such proxy being also a shareholder, and being provided with a written authority from his constituent or constituents, in such form as shall be established by a By-law,

Scale of voting at general meetings.

Votes by proxy.

Proviso. and which authority shall be lodged in the Bank; Provided always, that a share or shares of the capital stock of the said Bank, which shall have been held for a less period than three calendar months immediately prior to any meeting of the shareholders shall not entitle the holder or holders to vote at such meeting either in person or by proxy; Provided also, that where two or more persons are joint holders of shares, it shall be lawful that one only of such joint holders be empowered by letter of Attorney from the other joint holder or holders, or a majority of them, to represent the said shares and vote accordingly; And provided also, that no shareholder, who shall not be a natural born or naturalized subject of Her Majesty, or who shall be a subject or citizen of any Foreign Prince or State, shall, either in person or by proxy, vote at any meeting whatever of the shareholders of the said Bank, or shall assist in calling any meeting of the shareholders; anything in this Act to the contrary notwithstanding.

Proviso: as to Joint Stockholders.

Voters must be British subjects.

Bank Officers not to vote. **18.** No Cashier, Assistant Cashier, Bank Clerk, or other officer of the Bank shall vote, either in person or by proxy, at any meeting for the election of Directors, or hold a proxy for that purpose.

Special general meetings, how called, &c. **19.** Any number not less than nine of the shareholders of the said Bank, who together shall be proprietors of at least one thousand shares of the paid up capital stock of the said Bank, by themselves or their proxies, or the Directors of the said Bank, or any four of them, shall respectively have power at any time to call a special general meeting of the shareholders of the said Bank, to be held at some specified and convenient place in the city in which their then last annual meeting was held, upon giving six weeks' previous notice thereof to each shareholder by letter mailed to his address, and specifying in such notice the object or objects of such meeting; and if the object of any such special general meeting be to consider of the proposed removal of the President, or Vice-President or of a Director or Directors of the Corporation, for mal-administration or other specified and apparently just cause, then, and in any such case, the person or persons whom it shall be so proposed to remove, shall, from the day on which the notice shall be first published, be suspended from the duties of his or their office or offices; and if it be the President or Vice-President whose removal shall be proposed as aforesaid, his office shall be filled up by the remaining Directors (in the manner hereinbefore provided in the case of a vacancy occuring in the office of President or Vice-President), who shall choose or elect a Director to serve as such President or Vice-President during the time such suspension shall continue to be undecided upon.

Six weeks' notice to be given.

If the object be the removal of a Director, &c.;

And if of the President or Vice-President.

Shares to be personal estate. **20.** The shares of the capital stock of the said Bank shall be held and adjudged to be personal estate and shall be transmissible accordingly, and shall be assignable and transferable at the

the chief seat or place of business of the said Bank, or at any of its Branches which the Directors shall appoint for that purpose, and according to such form as the Directors shall from time to time prescribe; but no assignment or transfer shall be valid and effectual unless it be made and registered in a book or books to be kept by the Directors for that purpose, nor until the person or persons making the same shall previously discharge all debts actually due, or contracted and not then due, by him, her or them to the Bank, which may exceed in amount the remaining stock (if any) belonging to such person or persons; and no fractional part or parts of a share or other than a whole share shall be assignable or transferable; and when any share or shares of the said capital stock shall have been sold under a writ of execution, the Sheriff by whom the writ shall have been executed, shall, within thirty days after the sale, leave with the Cashier of the Bank an attested copy of the writ, with the certificate of such Sheriff indorsed thereon, certifying to whom the sale has been made, and thereupon (but not until after all debts due, or contracted but not then due, by the original holder or holders of the said shares to the Bank shall have been discharged as aforesaid,) the President or Vice-President, or Cashier of the Corporation shall execute the transfer of the share or shares so sold to the purchaser, and such transfer being duly executed, shall be to all intents and purposes as valid and effectual in law as if it had been executed by the original holder or holders of the said share or shares; any law or usage to the contrary notwithstanding.

Transfers of shares must be registered in the Bank books.

Shares sold under execution.

Bank's lien upon shares.

21. Shares in the capital stock of the said Bank may be made transferable, and the dividend accruing thereon may be made payable in the United Kingdom in like manner as such shares and dividends are respectively transferable and payable at the chief seat or place of business of the said Bank in this Province for the time being; and to that end the Directors may from time to time make such rules and regulations and prescribe such forms, and appoint such agent or agents as they may deem necessary.

Shares may be transferred and dividends paid in the United Kingdom.

22. If the interest in any share in the said Bank become transmitted in consequence of the death or bankruptcy, or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other lawful means than by a transfer according to the provisions of this Act, such transmission shall be authenticated by a Declaration in writing as hereinafter mentioned, or in such other manner as the Directors of the Bank shall require; and every such Declaration shall distinctly state the manner in which and the party to whom such share shall have been so transmitted, and shall be by such party made and signed; and every such declaration shall be, by the party making and signing the same, acknowledged before a Justice of a Court of Record, or before the Mayor, Provost or Chief Magistrate of a City, Town, Borough

By what declaration, &c., the transmission of shares otherwise than by regular transfer shall be authenticated.

 or

or other place, or before a Public Notary, where the same shall be made and signed; and every such declaration so signed and acknowledged shall be left with the Cashier, or other Officer or Agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission in the Register of Shareholders; and until such transmission shall have been so authenticated, no party or person claiming by virtue of any such transmission, shall be entitled to receive any share of the profits of the Bank, nor to vote in respect of any such share as the holder thereof; Provided always, that every such declaration and instrument as by this and the following section of this Act is required to perfect the transmission of a share in the Bank which shall be made in any other country than in this or some other of the British Colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice-Consul, or other the accredited Representative of the British Government in the country where the declaration shall be made, or shall be made directly before such British Consul, or Vice-Consul, or other the accredited Representative; And provided also, that nothing in this Act contained shall be held to debar the Directors, Cashier, or other officer or agent of the Bank from requiring corroborative evidence of any fact or facts alleged in any such declaration.

Proviso: as to declarations made in foreign parts.

Proviso: Directors may require further proof.

If the transmission be by the marriage of a female Shareholder, or by will or intestacy.

23. If the transmission of any share of the said Bank be by virtue of the marriage of a female Shareholder, the declaration shall contain a copy of the register of such marriage or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share; and if the transmission have taken place by virtue of any testamentary instrument, or by intestacy, the probate of the will or the letters of administration, or Act of curatorship, or an official extract therefrom, shall, together with such declaration, be produced, and left with the cashier or other officer or agent of the Bank.

If the transmission be by the decease of a Shareholder.

24. If the transmission of any share or shares in the capital stock of the said Bank be by decease of any shareholder, the production to the Directors, and deposit with them of any probate of the will of the deceased shareholder, or of letters of administration of his estate granted by any Court in this Province having power to grant such probate or letters of administration, or by any prerogative, diocesan, or peculiar Court or authority in England, Wales, Ireland, India, or any other British Colony, or of any testament testamentary, or testament dative expede in Scotland, or if the deceased Shareholder shall have died out of Her Majesty's dominions, the production to and deposit with the Directors of any probate of his will, or letters of administration of his property, or other document of like import granted by any Court or authority having the requisite power in such matters, shall be sufficient justification

and

and authority to the Directors for paying any dividend or transferring or authorizing the transfer of any share in pursuance of, and in conformity to such probate, letters of administration or other such document as aforsaid.

Bank not bound to see to trusts to which stock may be subject.

25. The said Bank shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any of the shares of its stock shall be subject; and the receipt of the party in whose name any such share shall stand in the books of the Bank, or if it stands in the name of more parties than one, the receipt of one of the parties shall from time to time be a sufficient discharge to the Bank for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Bank have had notice of such trust; and the Bank shall not be bound to see to the application of the money paid upon such receipt; any law or usage to the contrary notwithstanding.

Bank to invest one tenth of its paid up capital in provincial or municipal loan fund debentures, and to make a return thereof.

26. It shall be the duty of the Directors of the said Bank to invest, and to keep invested at all times in the Debentures of this Province, payable within the same, or secured upon the Consolidated Municipal Loan Fund, one-tenth part of the whole paid up capital of the said Bank under the authority of this Act, and to make a return of the numbers and amount of such Debentures, verified by the oaths and signatures of the President and Chief Cashier or Manager of the said Bank to the Minister of Finance, in the month of January in each year, under the penalty of forfeiture of the Charter of the said Bank in default of such investment and return.

Bank not to hold real property except as in sect. 1.

Nor exercise any but banking business.

27. The said Bank shall not either directly or indirectly hold any lands or tenements (save and except such as by the first section of this Act it is especially authorized to acquire and hold), or any ships or other vessels, or any share or shares of the capital stock of the said Bank or of any other Bank in this Province; nor shall the said Bank either directly or indirectly lend money or make advances upon the security, mortgage or hypothecation of any lands or tenements, or of any ships or other vessels, nor upon the security or pledge of any share or shares of the capital stock of the said Bank, or of any goods, wares or merchandize, or purchase any share or shares of the capital stock of the said Bank, nor shall the said Bank either directly or indirectly raise loans of money, or deal in the buying, selling or bartering of goods, wares or merchandize, or engage or be engaged in any trade whatever, except as a dealer in gold and silver bullion, bills of exchange, discounting of promissory notes and negotiable securities, and in such trade generally as legitimately appertains to the business of banking; Provided always, that the said Bank may take and hold

Proviso: may hold mortgages, &c., as additional security.

hold mortgages and hypothecation on real estate, and on ships, vessels and other personal property in this Province, by way of additional security for debts contracted to the Bank in the course of its dealings, and also for such purpose may purchase and take any oustanding mortgages, judgments or other charges upon the real or personal property of any debtor of the said Bank.

Discounts to Directors limited to one twentieth of the whole.

28. The aggregate amount of discounts and advances made by the said Bank upon commercial paper or securities bearing the name of any director or officer of the said Bank, or the name of any copartnership or firm in which any director or officer of the said Bank shall be a partner, shall not at any one time exceed one-twentieth of the total amount of discounts and advances made by the Bank at the same time, nor shall any director be allowed to obtain credit on his own personal guarantee.

Bank may retain discount, &c.

29. The said Bank may allow and pay any rate of interest upon money deposited in the said Bank; and in discounting promissory notes, bills or other negotiable securities or paper, may receive or retain the discount thereon, at any rate not exceeding seven per centum per annum, at the time of discounting or negotiating the same; and when any note, bill or other security or paper is *bonâ fide* payable at a place within the Province different from that at which it is discounted, the Bank may also, in addition to the discount, receive or retain an amount not exceeding one-half per centum on the amount of such note, bill or other negotiable security or paper; and the Bank may charge any note or bill held by and made payable at the Bank, against the deposit account of the maker of such note or acceptor of such bill, at the maturity thereof, any law, statute or usage to the contrary notwithstanding; Provided always that nothing herein contained shall derogate in any wise from the restrictions imposed by the Act of the twenty-second year of Her Majesty's Reign, intituled, *An Act to amend the Laws of this Province regulating the rate of interest.*

May charge a premium in certain cases.

May charge notes, &c., against the deposit account.

Proviso.

22 V. c. 85.

Certain bonds &c., of the Bank to be assignable by indorsement.

30. The bonds, obligations and bills obligatory or of credit, of the said Bank, under its common seal, and signed by the President or Vice-President, and countersigned by a Cashier or Assistant Cashier thereof, which shall be made payable to any person or persons, shall be assignable by indorsement thereon under the hand or hands of such person or persons, and of his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in the several assignees successively, and to enable such assignee or assignees to bring and maintain an action or actions thereon, in his, her or their own name or names; and signification of any assignment by indorsement shall not be necessary, any law, custom or usage to the contrary notwithstanding; and bills or notes of the said Bank, signed by the President, Vice-President, Cashier or other officer appointed by the Directors of the said Bank to sign the same, promising

Bills and notes valid though not under seal,

promising the payment of money to any person or persons, his or their order, or to the bearer, though not under the corporate seal of the said Bank, shall be binding and obligatory upon it in the like manner and with the like force and effect as they would be upon any private person, if issued by him in his private or natural capacity, and shall be assignable in like manner as if they were so issued by a private person in his natural capacity; Provided always, that nothing in this Act shall be held to debar the Directors of the said Bank from authorizing or deputing from time to time any Cashier, Assistant Cashier or officer of the said Bank, or any Director other than the President or Vice-President, or any Cashier, Manager or local Director of any branch or office of discount and deposit of the said Bank, to sign the bills or notes of the Corporation intended for general circulation and payable to order or to bearer on demand.

and how assignable.

Proviso: Directors may authorize any Officers to sign notes.

31. And whereas it may be deemed expedient that the name or names of the person or persons intrusted and authorized by the Bank to sign bank notes and bills on behalf of the Bank, should be impressed by machinery in such form as may from time to time be adopted by the Bank, instead of being subscribed in the hand-writing of such person or persons respectively; And whereas doubts might arise respecting the validity of such notes; Be it therefore further declared and enacted, that all bank notes and bills of *The Royal Bank of Canada*, whereon the name or names of any person or persons intrusted or authorized to sign such notes or bills on behalf of the Bank, shall or may become impressed by machinery provided for that purpose, by or with the authority of the Bank, shall be and be taken to be good and valid to all intents and purposes, as if such notes and bills had been subscribed in the proper handwriting of the person or persons intrusted and authorized by the Bank to sign the same respectively, and shall be deemed and taken to be bank notes or bills within the meaning of all laws and statutes whatsoever; and shall and may be described as bank notes or bills in all indictments and civil or criminal proceedings whatsoever; any law, statute or usage to the contrary notwithstanding.

Recital.

Signature to Bank notes may be impressed by machinery.

And shall be Bank notes for all purposes civil or criminal.

32. The notes or bills of the Bank made payable to order or bearer, and intended for general circulation, whether the same shall issue from the chief seat or place of business of the said Bank, or from any of its branches in this Province, shall be payable on demand, in specie, at the place where they bear date.

Bank notes payable at place of date.

33. A suspension by the said Bank, either at its chief place or seat of business in this Province for the time being, or at any of its branches or offices of discount and deposit at any other place in this Province, of payment on demand in specie of the notes or bills of the said Bank, payable there on demand, shall,

Suspension of payment for sixty days to forfeit charter.

shall, if the time of suspension extend to sixty days consecutively or at intervals, within any twelve consecutive months, operate as and be a forfeiture of its charter, and of all and every the privileges granted to it by this Act.

Total amount of Bank notes limited.

34. The total amount of the bank notes and bills of the said Bank of all values, in circulation in this Province at any one time, shall never exceed the aggregate amount of the paid up capital stock of the said Bank, for the time being, under the provisions of this Act, and the gold and silver coin, and bullion and debentures, or other securities reckoned at par, issued or guaranteed by the Government under the authority of the Legislature of this Province, on hand; and of the bank notes and bills in circulation at any one time, not more than one-fifth shall be in bank notes or bills under the nominal value of four dollars each; and no bank note or bill of the said Bank, under the nominal value of one dollar, shall be issued or put in circulation.

Amount of certain classes of notes limited.

None under five shillings.

Total liabilities of the Bank limited.

35. The total amount of the debts which the said Bank shall at any one time owe, whether by bond, bill, note or otherwise, shall not exceed three times the aggregate amount of its capital stock paid in under this Act, and the deposits made in the Bank in specie and Government securities for money; and in case of excess, or in case the total amount of the bills or notes of the said Bank payable to order or to bearer on demand, and intended for general circulation, shall at any time exceed the amount hereinbefore limited, the said Bank shall forfeit its charter and all the privileges granted to it by this Act, and the Directors under whose administration the excess shall happen, shall be liable jointly and severally for the same in their private capacity, as well to the Shareholders as to the holders of the bonds, bills and notes of the said Bank, and an action or actions in this behalf may be brought against them or any of them, and the heirs, executors, administrators, or curators of them or any of them, and be prosecuted to judgment and execution according to law; but such action or actions shall not exempt the said Bank, or its lands, tenements, goods or chattels from being also liable for such excess; Provided always, that if any Director present at the time of contracting any such excess of debt do forthwith, or if any Director absent at the time of contracting any such excess of debt do within twenty-four hours after he shall have obtained a knowledge thereof, enter on the minutes or register of the Bank his protest against the same, and do within eight days thereafter publish such protest in at least one newspaper published in the City or place in which such excess of debt was contracted, such Director may thereby, and not otherwise, exonerate and discharge himself, his heirs, executors and administrators, or curators, from the liability aforesaid, any thing herein contained, or any law to the contrary notwithstanding; Provided always, that such justification shall not exonerate any Director from his liability as a Shareholder.

Forfeiture of charter for excess under this or the next preceding section, and liability of Directors.

Proviso: how Directors may avoid such liability.

Proviso.

36.

36. In the event of the property and assets of the said Bank becoming insufficient to liquidate the liabilities and engagements or debts thereof, the Shareholders of its stock in their private or natural capacities shall be liable and responsible for the deficiency, but to no greater extent than to double the amount of their respective shares, that is to say: the liability and responsibility of each Shareholder to the creditors of the said Bank shall be limited to a sum of money equal in amount to his stock therein, over and above any instalment or instalments which may be unpaid on such stock, for which he shall also remain liable and which he shall pay up; Provided always, that nothing in this section contained shall be construed to alter or diminish the additional liabilities of the Directors of the said Bank hereinbefore mentioned and declared.

Limitation of liability of Shareholders in case of insolvency of the Bank.

Proviso.

37. Besides the detailed statement of the affairs of the said Bank, hereinbefore required to be laid before the Shareholders thereof, at their annual general meeting, the Directors shall make up and publish on the first Monday in each and every month, statements of the assets and liabilities of the said Bank in the form of the Schedule A hereunto annexed, shewing under the heads specified in the said form, the average amount of the notes of the said Bank in circulation, and its other liabilities at the termination of the month to which the statement shall refer, and the average amount of specie and other assets that at the same times were available to meet the same; and it shall be the duty of the Directors to submit to the Governor of this Province, if required, a copy of such monthly statements, and if by him required to verify all or any parts of the said statements, the said Directors shall verify the same by the production of the weekly or monthly balance sheets from which the said statements shall have been compiled; And furthermore the said Directors shall from time to time, when required, furnish to the said Governor of this Province such further reasonable information respecting the state and proceedings of the said Bank and of the several branches and offices of discount and deposit thereof as such Governor of this Province may reasonably see fit to call for; Provided always, that the weekly or monthly balance sheets and the further information that shall be so produced and given, shall be held by the said Governor of this Province as being produced and given in strict confidence that he shall not divulge any part of the contents of the said weekly or monthly balance sheets or of the information that shall be so given; And provided also, that the Directors shall not, nor shall anything herein contained be construed to authorize them or any of them to make known the private accounts or account of any person or persons whatever having dealings with the said Bank.

Statement of Officers to be published monthly.

Copy to Governor, and how attested.

Governor may require further information.

Proviso: such further information to be confidential.

Proviso: private accounts not to be disclosed.

38. It shall not be lawful for the said Bank at any time whatever, directly or indirectly, to advance or lend to or for the use of or on account of any foreign Prince, Power or State,

Bank not to lend money to any foreign State, &c.

State, any sum or sums of money or any securities for money; and if such unlawful advance or loan be made, then and from thenceforth the said corporation shall be dissolved, and all the powers, authorities, rights, privileges and advantages granted to it by this Act, shall cease and determine.

Public notices, how to be given.

39. The several public notices by this Act required to be given shall be given by advertisement in one or more of the newspapers published in London or Toronto, and in the *Canada Gazette*, or such other gazette as shall be generally known and accredited as the Official Gazette for the publication of official documents and notices emanating from the Civil Government of this Province, if any such Gazette be then published, or in the *London Gazette*.

Embezzlement &c., by Bank Officers to be felony.

40. If any cashier, assistant cashier, manager, clerk or servant of the said Bank shall secrete, embezzle, or abscond with any bond, obligation, bill obligatory or of credit, or other bill or note, or any security for money, or any moneys or effects entrusted to him as such cashier, assistant cashier, manager, clerk or servant, whether the same belong to the said Bank or belonging to any other person or persons, body or bodies politic or corporate, or institution or institutions, be lodged and deposited with the said Bank, the said cashier, assistant cashier, manager, clerk or servant so offending, and being thereof convicted in due form of law, shall be deemed guilty of felony.

Punishment over two years' imprisonment in Penitentiary.

41. Every person convicted of felony under this Act shall be punished by imprisonment at hard labour in the Provincial Penitentiary for any term not less than two years, or by imprisonment in any other Gaol or place of confinement for any less term than two years, in the discretion of the Court before which he shall be convicted.

Power to search for forged notes or machinery used for forging.

42. It shall and may be lawful to and for any Justice of the Peace on complaint made before him upon the oath of one credible person, that there is just cause to suspect that any one or more person or persons is or are, or hath or have been concerned in making or counterfeiting any false bills of exchange, promissory notes, undertakings or orders of the said Bank, or hath in his possession any plates, presses or other instruments, tools or materials for making or counterfeiting the same, or any part thereof, by warrant under the hand of such Justice, to cause the dwelling house, room, workshop or out-house or other place belonging to such suspected person or persons, or where any such person or persons shall be suspected of carrying on any such making or counterfeiting, to be searched; and if any such false bills of exchange, promissory notes, undertakings or orders, or any plates, presses or other tools, instruments or materials shall be found in the custody or possession of any person

How dealt with if found.

or

or persons whomsoever, not having the same by some lawful authority, it shall and may be lawful to and for any person or persons whomsoever discovering the same, to seize, and he or they are hereby authorized and required to seize such false or counterfeit bills of exchange, promissory notes, undertakings or orders, and such plates, presses or other tools, instruments or materials, and to carry the same forthwith before a Justice of the Peace of the County or District (or if more convenient of the adjoining County or District) in which the same shall be seized, who shall cause the same to be secured and produced in evidence against any person or persons who shall or may be prosecuted for any of the offences aforesaid in some Court of Justice proper for the determination thereof, and the same after being so produced in evidence shall by order of the Court be defaced or destroyed, or otherwise disposed of, as such Court shall direct.

Saving of rights of Crown, &c.

43. Nothing in this Act contained shall, in any manner, derogate from, or affect, or be construed to derogate from or affect the rights of Her Majesty, Her Heirs and Successors, or of any person or persons, or of any body or bodies politic or corporate, except in so far as the same may be specially derogated from or affected by the provisions of this Act.

Public Act.

44. This Act shall be held and taken to be a Public Act, and shall be known as the "Charter of the Royal Bank of Canada," and the Interpretation Act shall apply thereto.

Duration of this Act to 1870.

45. This Act shall be and remain in force until the first day of January, which will be in the year of Our Lord one thousand eight hundred and seventy, and from that time until the end of the then next session of the Parliament of this Province, and no longer.

Provision in case the Bank should become a Corporation for carrying on Banking in other British Provinces.

46. In the event of the corporation hereby created, or the members thereof, shareholders in the said Bank, collectively becoming, either by themselves or together with others, by the same name of "The Royal Bank of Canada," a corporation or corporations for the purpose of carrying on the business of banking in Nova Scotia, New Brunswick, the Island of Prince Edward, and Newfoundland, or in any or either of those Provinces or Islands, either in virtue of any Act or Acts of the Legislature or Legislatures thereof, or in virtue of any Royal Charter or Charters, any amount of capital stock authorized to be subscribed, or required to be subscribed and paid in, any amount of bank notes and bills authorized to be issued and circulated, any real estate authorized to be held, any proportionate amount of debt allowed to be owing at one time, any proportionate amount of capital stock required to be kept invested or secured, and any proportionate amount of bullion, coin, or specie, and government or other securities required to be kept on hand by the corporation or corporations thereby created,

created, in and by such Act or Acts, Charter or Charters, shall be held and deemed to be, so far as this Province is concerned, additional to but separate from the amount of capital stock authorized to be subscribed, or required to be subscribed and paid in, the amount of bank notes and bills authorized to be issued and circulated, the real estate authorized to be held, the proportionate amount of debt allowed to be owing at one time, the proportionate amount of capital stock required to be kept invested or secured, and the proportionate amount of bullion, coin, specie and government or other securities required to be kept on hand by this Act; and nothing herein contained shall be held or deemed to extend thereto; and the said Royal Bank of Canada shall, notwithstanding such further incorporation, be held and bound to comply with the terms and conditions of this Act so far, and so far only, as respects the capital stock hereby authorized to be subscribed, or so much thereof as may be subscribed and paid in from time to time by the holders thereof, the notes and bills of the said Bank bearing date and payable at the chief seat or place of business of the said Bank in this Province or at any of its branches or agencies or offices of discount and deposit in this Province, and the property and assets, liabilities, engagements, and debts of the said Bank in this Province, and the conduct of its affairs in respect thereof.

SCHEDULE A

Referred to in the thirty-seventh section of the foregoing Act.

Return of the Average Amount of Liabilities and Assets of the Royal Bank of Canada during the period from the first to , one thousand eight hundred and .

LIABILITIES.

Promissory notes in circulation not bearing interest...$
Bills of exchange in circulation not bearing interest...$
Bills and notes in circulation bearing interest.....$
Balances due to other Banks.....$
Cash deposits not bearing interest.....$
Cash deposits bearing interest.....$

Total average liabilities.....$

ASSETS.

Coin and Bullion.....$
Landed or other property of the Bank.....$
Government securities.....$
Promissory notes or bills of other Banks.....$
Balances due from other Banks .....$

Notes

Notes and bills discounted.....$
Other debts due to the Bank, not included under the foregoing heads.....$

Total average assets.. .... ..$

CAP. CIII.

An Act to incorporate *La Banque Nationale.*

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS the Honorable Ulric Joseph Tessier, Isidore Thibaudeau, Eugène Chinic, Cirice Têtu, Olivier Robitaille, David Dussault and Prudent Vallée, Esquires, all of the City of Quebec, have, by their petition signed by them and by many others, prayed that they and their legal representatives might be incorporated for the purpose of establishing a Bank, in the City of Quebec; And whereas it would be conducive to the general prosperity and commercial growth of the country; And whereas it is but just that the said persons and others who see fit to associate themselves, should be incorporated for the said purpose: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Incorporation.

Corporate name and powers.

Real estate limited.

By-laws.

Proviso.

1. The several persons hereinbefore named, and such other persons as may become shareholders in the Company to be by this Act created, and their assigns, shall be, and they are hereby created, constituted and declared to be a corporation, body corporate and politic, by the name of "La Banque Nationale," and shall continue such corporation, and shall have perpetual succession and a corporate seal, with power to alter and change the same at pleasure, and may sue and be sued, implead or be impleaded in all Courts of Law as other corporations may do; and shall have the power to acquire and hold real and immoveable estate for the management of their business, not exceeding the yearly value of five thousand dollars, and may sell, alienate or exchange the same, and acquire other instead, and may, when duly organized as hereinafter provided, make, ordain and establish such rules, regulations and by-laws as to them shall seem meet and necessary for the due and proper administration of their affairs and the management of the said Bank, (such by-laws, rules and regulations not being inconsistent with this Act, or contrary to the Laws of this Province); Provided, however, that such by-laws, rules and regulations shall be submitted for approval to the stockholders or shareholders in the said Bank, at their regular annual meetings.

Capital $1,000,000; shares of $50 each.

2. The Capital Stock of the said Bank (the words "the said Bank" meaning throughout this Act the corporation aforesaid,) shall be one million of dollars divided into shares of fifty

fifty dollars, which shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns; Provided always, that the majority in number and value of the said shareholders shall always be British subjects.

Proviso.

First Directors appointed, —their duties.

3. The said Honorable Ulric Joseph Tessier, Isidore Thibaudeau, Eugène Chinic, Cirice Têtu, Olivier Robitaille, David Dussault and Prudent Vallée, shall be the Provisional Directors of the said Bank for the purpose of opening books of subscription for the Stock of the said Bank, at the City of Quebec, and at such other places as to them shall seem meet, and to receive subscriptions for the said Stock, and to do such other things relative to the said subscription and the management of the affairs of the said Bank, as it may be requisite to do before the first general meeting of the stockholders for the election of Directors as hereinafter mentioned.

Meeting for election of Directors.

4. As soon as the sum of four hundred thousand dollars of the said Capital Stock shall have been subscribed, and forty thousand dollars actually paid in thereupon, to some one of the present Chartered Banks of this Province, it shall and may be lawful for the subscribers, or a majority of them, to call a meeting at some place to be named in Quebec, for the purpose of proceeding to the election of the number of Directors for the said Bank, hereinafter mentioned, and such elections shall then and there be made by a majority of shares voted upon, in the manner hereinafter prescribed in respect of the annual election of Directors, and the persons then and there chosen shall be the first Directors, and shall be capable of serving during the ensuing twelve months; Provided always, that no such meeting of the said subscribers shall take place until a notice specifying the objects of such meeting is published in one or more newspapers published in Quebec, at least twenty days previous to such time of meeting; Provided also, that unless the said subscription of Capital Stock and the said payment thereon be completed within twelve months after the passing of this Act, this Charter and Act shall be null and void.

Directors to serve during 12 months.

Proviso: notice to be given.

Instalments.

5. The shares of the Capital Stock subscribed for shall be paid in and by such instalments, and at such times and places as the said Directors shall appoint; and executors, administrators and curators paying instalments upon the shares of deceased shareholders, shall be and are hereby respectively, indemnified for paying the same; Provided always, that no share or shares shall be held lawfully subscribed for unless a sum equal to at least ten per centum on the amount subscribed for be actually paid at the time of subscribing; Provided further, that it shall not be lawful for the subscribers to the Capital Stock hereby authorized to be raised, to commence the business of Banking until a sum not less than one hundred thousand dollars

Proviso: ten per cent. payable on subscribing.

Proviso: condition precedent to commencing the

dollars shall have been duly paid in by such subscribers, to some one of the present Chartered Banks of this Province; Provided further, that the remainder of the said Capital Stock shall be subscribed and paid up as follows, that is to say: the further sum of one hundred thousand dollars, within two years; the further sum of two hundred thousand dollars within three years; the further sum of two hundred thousand dollars, within four years, and the further sum of four hundred thousand dollars, within five years after the said Bank shall have so commenced the business of Banking under penalty of forfeiture of their Charter.

business of Banking.

Proviso: within what time the full capital to be paid up.

6. If any person or persons subscribing for shares of the Capital Stock of the said Bank shall also be willing to pay up at the time of subscribing the full amount of the shares subscribed for, it shall and may be lawful for the Directors of the Bank, and at any time within the period hereinbefore limited for subscribing for such Stock, to admit and receive such subscriptions and full payment or payment of any number of instalments.

Subscribers may pay in full, &c.

7. If any shareholder or shareholders shall refuse or neglect to pay any instalment upon his, her or their shares of the said Capital Stock at the time or times required by the Directors as aforesaid, such shareholder or shareholders shall incur a forfeiture to the use of the said Bank of a sum of money equal to ten per centum on the amount of such shares; and moreover, it shall be lawful for the Directors of the said Bank without any previous formality other than thirty days' public notice of their intention, to sell at public auction the said shares, or so many of the said shares as shall, after deducting the reasonable expenses of the sale, yield a sum of money sufficient to pay the unpaid instalments due on the remainder of the said shares, and the amount of forfeitures incurred on the whole; and the President with the Vice-President, or the Cashier of the said Bank, shall execute the transfer to the purchaser of the shares of stock so sold, and such transfer being accepted shall be as valid and effectual in law as if the same had been executed by the original holder or holders of the shares of stock thereby transferred; Provided always, that nothing in this section contained shall be held to debar the Directors or shareholders at a general meeting from remitting either in whole or in part, and conditionally or unconditionally, any forfeiture incurred by the non-payment of any instalment as aforesaid.

Forfeiture for non-payment of calls.

Sales of shares on which calls are not paid.

Proviso: forfeiture may be remitted.

8. The chief place or seat of business of the said Bank shall be in Quebec, but it shall and may be lawful for the Directors of the Bank to open and establish in other places, Towns and Cities in or out of this Province, Branches or Agencies, or offices of discount and deposit of the said Bank, under such rules and regulations for the good and faithful management of the same as to the said Directors shall from time to time seem meet, not being repugnant to any law of this Province, to this Act, or to the By-laws of the said Bank.

Chief place of business.

Branches.

9.

Seven Directors to be elected annually by a majority of votes.

9. For the management of the affairs of the said Bank, there shall be seven Directors annually elected by the shareholders of the capital stock thereof, at a general meeting of them to be held annually on such day as from time to time shall be fixed by By-law in that behalf; at which meetings the shareholders shall vote according to the scale or rule of votes hereinafter established; and the Directors elected by a majority of votes given in conformity to such rule or scale shall be capable of serving as Directors for the ensuing twelve months; and at their first meeting after such election the Directors shall choose out of their number a President and a Vice-President, who shall hold their offices respectively during the same period; and in case of a vacancy occurring in the said number of seven Directors, the remaining Directors shall fill the same by election from among the shareholders, and such Director so elected shall be capable of serving as a Director until the next annual general meeting of the shareholders; and if the vacancy occurring in the said number of seven Directors shall also cause the vacancy of the office of President or of Vice-President, the Directors, at their first meeting after their number shall have been completed as aforesaid, shall fill the vacant office by choice or election from among themselves, and the Director so chosen or elected to be President or Vice-President shall fill the office to which he shall be so chosen or elected until the next general annual meeting of the shareholders; Provided always, that each of the Directors shall be the holder and proprietor in his own name of not less than twenty shares of capital stock of the said Bank wholly paid up, and shall be a natural born or naturalized subject of Her Majesty; And provided also, that it shall be lawful for the shareholders at any annual meeting to pass a By-law limiting the number of Directors to retire from office annually.

President and Vice-President.

Vacancies, how filled.

Proviso: Directors to be H. M. subjects.

Proviso: as to retirement of Directors.

Proviso: if any election should fail.

10. If at any time it shall happen that an election of Directors shall not be made or take effect on the day fixed by this Act, the said corporation shall not be deemed or taken to be thereby dissolved, but it shall be lawful at any subsequent time to make such election at a general meeting of the shareholders to be called for that purpose; and the Directors in office, when such failure of election shall take place, shall remain in office until such election shall be made.

Who may inspect the Bank books.

11. The books, correspondence and funds of the said Bank shall at all times be subject to the inspection of the Directors; but no shareholder, not being a Director, shall inspect or be allowed to inspect the account or accounts of any person or persons dealing with the said Bank.

Quorum of Directors and who to preside.

12. At all meetings of the Directors of the said Bank, not less than three of them shall constitute a board or quorum for the transaction of business; and at the said meetings the President, or in his absence the Vice-President, or in their absence

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one of the Directors present to be chosen *pro tempore* shall preside; and the President, Vice-President or President *pro tempore* so presiding shall vote as a Director only. Casting vote of President, &c.

13. It shall and may be lawful for the Directors of the said Bank from time to time to make and enact By-laws, Rules and Regulations (the same not being repugnant to this Act or to the Laws of this Province), for the proper management of the affairs of the said Corporation, and from time to time to alter or repeal the same and others to make and enact in their stead; Provided always, that no By-law, Rule or Regulation so made by the Directors shall have force or effect until the same shall, after six weeks' public notice, have been confirmed by the shareholders at an annual general meeting, or at a special general meeting called for that purpose. Directors to make By-laws for certain purposes. Proviso: as to notice.

14. The shareholders may, by a By-law, appropriate a sum of money for the remuneration of the services of the President and Directors as such, and the President and Directors may annually apportion the same among themselves as they may think fit: No Director shall act as a Private Banker. Payment of President and Directors. Proviso.

15. The Directors of the said Bank shall have power to appoint a Cashier, Assistant Cashier and Secretary, and Clerks and Servants under them, and such other officers as shall be necessary for conducting the business of the said Bank, and to allow reasonable compensation for their services respectively, and shall also be capable of exercising such powers and authority for the well governing and ordering of the affairs of the said Bank as shall be prescribed by the By-laws thereof; Provided always, that before permitting any Cashier, Assistant Cashier, Officer, Clerk or servant of the Bank, to enter upon the duties of his office, the Directors shall require him to give bond with sureties to the satisfaction of the Directors, that is to say: Every Cashier in a sum not less than twenty thousand dollars, every Assistant Cashier in the sum of twelve thousand dollars, and every other officer, clerk, or servant in such sum of money as the Directors shall consider adequate to the trust reposed in him, with condition for good and faithful behavior. Directors to appoint Bank Officers and Servants. Proviso: security to be taken from each. Amount.

16. It shall be the duty of the Directors to make half-yearly dividends of so much of the profits of the said Bank as to them shall appear advisable; and such dividends shall be payable at such place or places as the Directors shall appoint, and of which they shall give thirty days' public notice previously; Provided always, that such dividends shall not in any manner lessen or impair the capital stock of the said Bank. Directors to make dividends. Proviso.

17. The general meetings of the shareholders of the said Bank to be held annually as aforesaid, in Quebec, for the purpose of electing Directors in the manner hereinbefore provided, shall be general meetings also for all other general purposes touching Statement of affairs of Bank to be exhibited at yearly meetings.

touching the affairs and the management of the affairs of the said Bank; and at each of the said annual general meetings the Directors shall exhibit a full and clear statement of the affairs of the Bank.

Scale of voting at general meetings.

18. The number of votes which the shareholders of the said Bank shall respectively be entitled to give at their meetings shall be according to the following scale, that is to say: for one share and not more than two, one vote; for every two shares above two and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten and not exceeding thirty, one vote, making ten votes for every thirty shares; for every six shares above thirty and not exceeding sixty, one vote, making fifteen votes for sixty shares; and for every eight shares above sixty and not exceeding one hundred, one vote, making twenty votes for one hundred shares; and no shareholder shall be entitled to give a greater number of votes than twenty; and it shall be lawful for absent shareholders to give their votes by proxy, such proxy being also a shareholder, and being provided with a written authority from his constituent or constituents, in such form as shall be established by a By-law, and which authority shall be lodged in the Bank; Provided always, that a share or shares of the capital stock of the said Bank which shall have been held for a less period than three calendar months immediately prior to any meeting of the shareholders shall not entitle the holder or holders to vote at such meeting either in person or by proxy: Provided also, that where two or more persons are joint holders of shares, it shall be lawful that one only of such joint holders be empowered by letter of Attorney from the other joint holder or holders, or a majority of them, to represent the said shares and vote accordingly; And provided also, that no shareholder who shall not be a natural born or naturalized subject of Her Majesty, or who shall be a subject or citizen of any Foreign Prince or State, shall, either in person or by proxy, vote at any meeting whatever of the shareholders of the said Bank, or shall assist in calling any meeting of the shareholders; any thing in this Act to the contrary notwithstanding.

Vote by proxy.

Proviso.

Proviso: as to Joint Stockholders.

Voters must be British subjects.

Bank Officers not to vote.

19. No Cashier, Assistant Cashier, Bank Clerk or other officer of the Bank, shall vote either in person or by proxy at any meeting for the election of Directors, or hold a proxy for that purpose.

Special general meetings, how called, &c.

20. Any number, not less than twenty-five of the shareholders of the said Bank, who together shall be proprietors of at least one hundred shares of the paid up Capital Stock of the said Bank, by themselves or their proxies, or the Directors of the said Bank, or any four of them, shall respectively have power at any time to call a special general meeting of the shareholders of the said Bank, to be held at their usual place of meeting in Quebec, upon giving six weeks' previous public notice

Six weeks'

notice thereof, and specifying in such notice the object or objects of such meeting; and if the object of any such special general meeting be to consider of the proposed removal of the President or of a Director or Directors of the Corporation for mal-administration or other specified and apparently just cause, then in any such case the person or persons whom it shall be so proposed to remove, shall, from the day on which the notice shall be first published, be suspended from the duties of his or their office or offices, and if it be the President or Vice-President whose removal shall be proposed as aforesaid, his office shall be filled up by the remaining Directors (in the manner hereinbefore provided in the case of a vacancy occurring in the office of President or Vice-President,) who shall choose or elect a Director to serve as such President or Vice-President during the time such suspension shall continue to be undecided upon.

notice to be given.

If the object be the removal of a Director, &c.

And if of the President or Vice-President.

21. The shares of the capital stock of the said Bank shall be held and adjudged to be personal estate and shall be transmissible accordingly, and shall be assignable and transferable at the chief place of business of the said Bank, or at any of its Branches which the Directors shall appoint for that purpose, and according to such form as the Directors shall from time to time prescribe; but no assignment or transfer shall be valid and effectual unless it be made and registered in a Book or Books to be kept by the Directors for that purpose, nor until the person or persons making the same shall previously discharge all debts actually due or contracted, and not then due by him, her or them to the Bank, which may exceed in amount the remaining stock (if any) belonging to such person or persons; and no fractional part or part of a share or other than a whole share shall be assignable or transferable; and when any share or shares of the said capital stock shall have been sold under a writ of execution, the Sheriff by whom the writ shall have been executed shall, within thirty days after the sale, leave with the Cashier of the Bank an attested copy of the writ, with the certificate of such Sheriff indorsed thereon, certifying to whom the sale has been made, and thereupon (but not until after all debts due or contracted but not then due by the original holder or holders of the said shares to the Bank shall have been discharged as aforesaid,) the President, or Vice-President, or Cashier of the Corporation shall execute the transfer of the share or shares so sold to the purchaser, and such transfer, being duly executed, shall be to all intents and purposes as valid and effectual in law as if it had been executed by the original holder or holders of the said share or shares; any law or usage to the contrary notwithstanding.

Shares to be personal estate.

Transfers of shares must be registered in the Bank books.

Shares sold under execution.

Bank's lien upon shares.

22. Shares in the capital stock of the said Bank may be made transferable, and the dividends accruing thereon may be made payable in the United Kingdom in like manner as such shares and dividends are respectively transferable and payable at

Shares may be transferred and dividends paid in the United Kingdom.

at the Chief Office of the said Bank in Quebec; and to that end the Directors may from time to time make such rules and regulations and prescribe such forms, and appoint such agent or agents as they may deem necessary.

By what declaration, &c., the transmission of shares otherwise than by regular transfer shall be authenticated.

23. If the interest in any share in the said bank become transmitted in consequence of the death or bankruptcy, or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other lawful means than by a transfer according to the provisions of this Act, such transmission shall be authenticated by a Declaration in writing as hereinafter mentioned, or in such other manner as the Directors of the Bank shall require; and every such declaration shall distinctly state the manner in which and the party to whom such share shall have been so transmitted, and shall be by such party made and signed; and every such declaration shall be, by the party making and signing the same, acknowledged before a Justice of a Court of Record, or before the Mayor, Provost or Chief Magistrate of a City, Town, Borough or other place, or before a Public Notary, where the same shall be made and signed; and every such declaration so signed and acknowledged shall be left with the Cashier, or other Officer or Agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission in the Register of Shareholders; and until such transmission shall have been so authenticated, no party or person claiming by virtue of any such transmission shall be entitled to receive any share of the profits of the Bank, nor to vote in respect of any such share as the holder thereof;

Proviso: as to declarations made in foreign parts.

Provided always, that every such declaration and instrument as by this and the following section of this Act is required to perfect the transmission of a share in the Bank which shall be made in any other country than in this or some other of the British Colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice-Consul, or other the accredited Representative of the British Government in the country where the declaration shall be made, or shall be made directly before such British Consul or Vice-Consul or other accredited Representative;

Proviso: Directors may require further proof.

And provided also that nothing in this Act contained shall be held to debar the Directors, Cashier, or other officer or agent of the Bank from requiring corroborative evidence of any fact or facts alleged in any such declaration.

If the transmission be by the marriage of a female Shareholder, or by will or intestacy.

24. If the transmission of any share of the said Bank be by virtue of the marriage of a female shareholder, the declaration shall contain a copy of the register of such marriage or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share; and if the transmission have taken place by virtue of any testamentary instrument, or by intestacy, the probate of the will or the letters of administration, or Act of curatorship, or an official extract therefrom, shall, together with such declaration, be produced and

and left with the cashier or other officer or agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission in the Register of Shareholders.

If the transmission be by the decease of a Shareholder.

25. If the transmission of any share or shares in the Capital Stock of the said Bank be by decease of any Shareholder, the production to the Directors and deposit with them of any probate of the will of the deceased Shareholder, or of letters of administration of his estate granted by any Court in this Province having power to grant such probate or letters of administration, or by any prerogative, diocesan, or peculiar court or authority in England, Wales, Ireland, India, or any other British colony, or of any testament testamentary, or testament dative expede in Scotland, or if the deceased Shareholder shall have died out of Her Majesty's dominions, the production to and deposit with the Directors of any probate of his will or letters of administration of his property, or other document of like import, granted by any Court or authority having the requisite power in such matters, shall be sufficient justification and authority to the Directors for paying any dividend or transferring or authorizing the transfer of any share in pursuance of, and in conformity to such probate, letters of administration or other such document as aforesaid.

Bank not bound to see to trusts to which stock may be subject.

26. The said Bank shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares of its stock shall be subject; and the receipt of the party in whose name any such share shall stand in the books of the Bank, or if it stands in the name of more parties than one, the receipt of one of the parties shall from time to time be a sufficient discharge to the Bank for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Bank have had notice of such trust; and the Bank shall not be bound to see to the application of the money paid upon such receipt, any law or usage to the contrary notwithstanding.

Bank to invest one tenth of its paid up capital in provincial or municipal debentures and to make a return thereof.

27. It shall be the duty of the Directors of the said Bank to invest, and to keep invested at all times in the Debentures of this Province, payable within the same, or secured upon the Consolidated Municipal Loan Fund, one-tenth part of the whole paid up capital of the said Bank, and to make a return of the numbers and amount of such debentures, verified by the oaths and signatures of the President and Chief Cashier or Manager of the said Bank to the Inspector General in the month of January in each year, under the penalty of the forfeiture of the Charter of the said Bank in default of such investment and return; Provided always, that the said Directors shall not commence the ordinary business of Banking, until the sum of twenty thousand dollars shall have been invested in such debentures.

28.

Bank not to hold real property except as in sect. 1.

Nor exercise any but banking business.

28. The said Bank shall not either directly or indirectly hold any lands or tenements (save and except such as by the first section of this Act it is especially authorized to acquire and hold,) or any ships or other vessels, or any share or shares of the Capital Stock of the said Bank, or of any other Bank in this Province; nor shall the said Bank, either directly or indirectly, lend money or make advances upon the security, mortgage or hypothecation (*hypothèque*) of any lands or tenements, or of any ships or other vessels, nor upon the security or pledge of any share or shares of the Capital Stock of the said Bank, or of any goods, wares or merchandize; nor shall the said Bank, either directly or indirectly, raise loans of money, or deal in the buying, selling or bartering of goods, wares or merchandize, or engage or be engaged in any trade whatever, except as a dealer in gold and silver bullion, bills of exchange, discounting of promissory notes and negotiable securities, and in such trade generally as legitimately appertains to the business of banking;

Proviso: may hold mortgages, &c., as additional security.

Provided always, that the said Bank may take and hold mortgages and *hypothèques* on real estate, and on ships, vessels, and other property in this Province, by way of additional security for debts contracted to the Bank in the course of its dealings, and also for such purpose may purchase and take any outstanding mortgages, judgments or other charges upon the real or personal property of any debtor of the said Bank.

Discounts to Directors limited to one twentieth of the whole.

29. The aggregate amount of discounts and advances made by the said Bank upon commercial paper or securities bearing the name of any Director of the said Bank, or the name of any copartnership or firm in which any Director of the said Bank shall be partner, shall not at any one time exceed one-twentieth of the total amount of discounts or advances made by the Bank at the same time.

Bank may retain discount, &c.

30. The Bank may allow and pay interest not exceeding the legal rate in this Province, upon money deposited in the Bank; and in discounting promissory notes, bills, or other negotiable securities or paper, may receive or retain the discount thereon, at the time of discounting or negotiating the same; and when notes, bills, or other negotiable securities or paper are *bonâ fide* payable at a place within the Province different from that at which they are discounted, the

May charge a premium in certain cases

Bank may also, in addition to the discount, receive or retain an amount not exceeding one half per centum on the amount of each such note, bill, or other negotiable security or paper; and

May charge notes, &c., against deposit accounts.

the Bank may charge any note or bill held by and made payable at the Bank, against the deposit account of the maker or acceptor of such note or bill, at the maturity thereof; any law, statute or usage to the contrary notwithstanding;

Proviso.

Provided always, that nothing herein contained shall derogate in anywise from the restrictions imposed by the Act of the twenty-

22 V. c. 85.

second year of Her Majesty's reign, intituled, *An Act to amend the Laws of this Province regulating the rate of interest.*

31.

Certain bonds, &c., of the Bank to be assignable by indorsement.

31. The bonds, obligations and bills obligatory or of credit, of the said Bank, under its common seal, and signed by the President or Vice-President, and countersigned by a Cashier or Assistant Cashier thereof, which shall be made payable to any person or persons, shall be assignable by indorsement thereon under the hand or hands of such person or persons, and of his, her, or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in the several assignees successively, and to enable such assignee or assignees to bring and maintain an action or actions thereon, in his, her or their own name or names; and signification of any assignment by indorsement shall not be necessary, any law, custom or usage to the contrary notwithstanding; and bills or notes of the said Bank, signed by the President, Vice-President, Cashier and other officer appointed by the Directors of the said Bank to sign the same, promising the payment of money to any person or persons, his or their order, or to the bearer, though not under the corporate seal of the said Bank, shall be binding and obligatory upon it, in the like manner and with the like force and effect as they would be upon any private person, if issued by him in his private or natural capacity, and shall be assignable in like manner as if they were so issued by a private person in his natural capacity; Provided always, that nothing in this Act shall be held to debar the Directors of the said Bank from authorizing or deputing from time to time any Cashier, Assistant Cashier or officer of the Bank, or any Director other than the President or Vice-President, or any Cashier, Manager or local Director of any branch or office of discount and deposit of the said Bank, to sign the bills or notes of the Corporation intended for general circulation and payable to order or to bearer on demand.

Bills and notes valid though not under seal and how assignable.

Proviso: Directors may authorize any Officers to sign notes.

Recital.

32. And whereas it may be deemed expedient that the name or names of the person or persons intrusted and authorized by the Bank to sign bank notes and bills on behalf of the Bank, should be impressed by machinery in such form as may from time to time be adopted by the Bank, instead of being subscribed in the hand-writing of such person or persons respectively; And whereas doubts might arise respecting the validity of such notes: Be it therefore further declared and enacted, that all bank notes and bills of "La Banque Nationale," whereon the name or names of any person or persons intrusted or authorized to sign such notes or bills on behalf of the Bank, shall or may become impressed by machinery provided for that purpose, by or with the authority of the Bank, shall be and be taken to be good and valid to all intents and purposes, as if such notes and bills had been subscribed in the proper hand-writing of the person or persons intrusted and authorized by the Bank to sign the same respectively, and shall be deemed and taken to be bank notes or bills within the meaning of all laws and statutes whatsoever; and shall and may be described as bank notes or bills in all indictments, and civil or criminal proceedings whatsoever;

Signature to Bank notes may be impressed by machinery.

And shall be Bank notes for all purposes civil or criminal.

whatsoever; any law, statute or usage to the contrary notwithstanding.

Bank notes payable at place of date.

33. The notes or bills of the Bank made payable to order or bearer, and intended for general circulation, whether the same shall issue from the chief seat or place of business of the said Bank in Quebec, or from any of its branches, shall be payable on demand in specie at the place where they bear date.

Suspension of payment for sixty days to forfeit charter.

34. A suspension by the said Bank either at its chief place or seat of business in Quebec aforesaid, or at any of its branches or offices of discount and deposit at any other place in this Province, of payment on demand in specie of the notes or bills of the said Bank, payable there on demand, shall, if the time of suspension extend to sixty days consecutively or at intervals, within any twelve consecutive months, operate as and be a forfeiture of its Charter, and of all and every the privileges granted to it by this Act.

Total amount of Bank notes limited.

35. The total amount of the notes or bills of the said Bank being for a less sum than four dollars, current money of Canada, each, that shall or may be issued and put in circulation, shall not exceed at any one time one-fifth of the amount of the Capital Stock of the Bank then paid in; Provided always, that no notes under the nominal value of one dollar shall at any time be issued or put into circulation by the Bank, nor shall any further limitation by the Legislature of the total amount of notes to be issued or re-issued by the said Bank, be held to be any infringement upon the privileges hereby granted; Provided further, that the several provisions of an Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to encourage the issue by the Chartered Banks of this Province of Notes secured in the manner provided by the General Banking Law*, shall be and are hereby declared to be applicable to the Bank established under this Act.

None under five shillings.

May be further limited.

Proviso.

16 V. c. 162.

Total liabilities of the Bank limited.

36. The total amount of the debts which the said Bank shall at any one time owe, whether by bond, bill, note or otherwise, shall not exceed three times the aggregate amount of its Capital Stock paid in, and the deposits made in the Bank in specie and in Government securities for money; and at no one period after the passing of this Act, shall the notes or bills payable on demand and to bearer exceed the amount of the actually paid up Capital Stock of the Bank, and the gold and silver coin and bullion and debentures or other securities reckoned at par, issued or guaranteed by the Government under the authority of the Legislature of this Province on hand; and in case of excess, the Bank shall forfeit its Charter and all the privileges granted to it by this Act, and the Directors, under whose administration the excess shall happen, shall be liable jointly and severally for the same in their private capacity, as well to the shareholders as to the holders of the bonds, bills and notes of

Forfeiture of charter for excess under this or the next preceding section, and liability of Directors.

of the said Bank, and an action or actions in this behalf may be brought against them or any of them, and the heirs, executors, administrators, or curators of them or any of them, and be prosecuted to judgment and execution according to law; but such action or actions shall not exempt the said Bank, or its lands, tenements, goods or chattels from being also liable for such excess; Provided always, that if any Directors present at the time of contracting any such excess of debt do forthwith, or if any Director absent at the time of contracting any such excess of debt do within twenty-four hours after he shall have obtained a knowledge thereof, enter on the minutes or register of the Bank his protest against the same, and do within eight days thereafter publish such protest in at least one newspaper published in Quebec, such Director may thereby, and not otherwise, exonerate and discharge himself, his heirs, executors and administrators, or curators, from the liability aforesaid, any thing herein contained, or any law to the contrary notwithstanding; Provided always, that such publication shall not exonerate any Director from his liability as a shareholder.

Proviso: how Directors may avoid such liability.

Proviso.

37. In the event of the property and assets of the said Bank becoming insufficient to liquidate the liabilities and engagements or debts thereof, the shareholders of its stock in their private or natural capacities shall be liable and responsible for the deficiency, but to no greater extent than to double the amount of their respective shares, that is to say, the liability and responsibility of each shareholder to the creditors of the said Bank shall be limited to a sum of money equal in amount to his stock therein, over and above any instalment or instalments which may be unpaid on such stock, for which he shall also remain liable and which he shall pay up; Provided always, that nothing in this section contained shall be construed to alter or diminish the additional liabilities of the Directors of the said Bank hereinbefore mentioned and declared.

Limitation of liability of Shareholders in case of insolvency of the Bank.

Proviso.

38. Besides the detailed statement of the affairs of the said Bank, hereinbefore required to be laid before the shareholders thereof, at their annual general meeting, the Directors shall make up and publish on the first Monday in each and every month, statements of the assets and liabilities of the said Bank in the form of the Schedule A hereunto annexed, showing under the heads specified in the said form the average amount of the notes of the said Bank in circulation, and other liabilities at the termination of the month to which the statement shall refer, and the average amount of specie and other assets that at the same times were available to meet the same; and it shall be the duty of the Directors to submit to the Governor of this Province, if required, a copy of such monthly statements, and if by him required to verify all or any parts of the said statements, the said Directors shall verify the same by the production of the weekly or monthly balance-sheets from which the said statements shall have been compiled; And furthermore, the said Directors shall, from time to time, when required, furnish

Statement of Officers to be published monthly.

Copy to Governor, and how attested.

Governor may require fur-

ther information.

furnish to the said Governor of this Province such further reasonable information respecting the state and proceedings of the said Bank and of the several branches and offices of discount and deposit thereof as such Governor of this Province may reasonably see fit to call for; Provided always, that the weekly or monthly balance-sheets and the further information that shall be so produced and given, shall be held by the said Governor of this Province as being produced and given in strict confidence, that he shall not divulge any part of the contents of the said weekly or monthly balance-sheets or of the information that shall be so given; And provided also, that the Directors shall not, nor shall any thing herein contained be construed to authorize them or any of them to make known the private accounts or account of any person or persons whatever having dealings with the said Bank.

Proviso: such further information to be confidential.

Proviso: private accounts not to be disclosed.

Bank not to lend money to any foreign State, &c.

39. It shall not be lawful for the said Bank at any time whatever, directly or indirectly, to advance or lend to or for the use of or on account of any foreign Prince, Power or State, any sum or sums of money or any securities for money; and if such unlawful advance or loan be made, then and from thenceforth the said corporation shall be dissolved, and all the powers, authorities, rights, privileges and advantages granted to it, by this Act, shall cease and determine.

Public notices how to be given.

40. The several public notices by this Act required to be given, shall be given by advertisement in one or more of the newspapers published in Quebec, and in the *Canada Gazette*, or such other Gazette as shall be generally known and accredited as the Official Gazette, for the publication of official documents and notices emanating from the Civil Government of this Province, if any such Gazette be then published.

Embezzlement, &c., by Bank Officers to be felony.

41. If any cashier, assistant cashier, manager, clerk or servant of the said Bank shall secrete, embezzle, or abscond with any bond, obligation, bill obligatory or of credit, or other bill or note, or any security for money, or any moneys or effects intrusted to him as such cashier, assistant cashier, manager, clerk or servant, whether the same belong to the said Bank, or belonging to any other person or persons, body or body politic or corporate, or institution or institutions, be lodged and deposited with the said Bank, the said cashier, assistant cashier, manager, clerk or servant so offending, and being thereof convicted in due form of law, shall be deemed guilty of felony.

Punishment two years imprisonment or more in Penitentiary, &c.

42. Every person convicted of felony under this Act shall be punished by imprisonment at hard labour in the Provincial Penitentiary for any term not less than two years, or by imprisonment in any other Gaol or place of confinement for any less term than two years in the discretion of the Court before which he shall be convicted.

43. It shall and may be lawful to and for any Justice of the Peace, on complaint made before him upon the oath of one credible person, that there is just cause to suspect that any one or more person or persons is or are, or hath or have been concerned in making or counterfeiting any false bills of exchange, promissory notes, undertakings or orders of the said Bank, or hath in his possession any plates, presses or other instruments, tools or materials for making or counterfeiting the same, or any part thereof, by warrant under the hand of such Justice to cause the dwelling house, room, workshop or out-house or other building, yard, garden or other place belonging to such suspected person or persons, or where any such person or persons shall be suspected of carrying on any such making or counterfeiting, to be searched; and if any such false bills of exchange, promissory notes, undertakings or orders, or any plates, presses or other tools, instruments or materials shall be found in the custody or possession of any person or persons whomsoever, not having the same by some lawful authority, it shall and may be lawful to and for any person or persons whomsoever, discovering the same, to seize, and he or they are hereby authorized and required to seize such false or counterfeit bills of exchange, promissory notes, undertakings or orders, and such plates, presses, or other tools, instruments or materials, and to carry the same forthwith before a Justice of the Peace of the County or District (or if more convenient, of the adjoining County or District) in which the same shall be seized, who shall cause the same to be secured and produced in evidence against any person or persons who shall or may be prosecuted for any of the offences aforesaid in some Court of Justice proper for the determination thereof, and the same, after being so produced in evidence, shall, by order of the Court, be defaced or destroyed, or otherwise disposed of, as such Court shall direct.

Power to search for forged notes, or machinery used for forging.

How dealt with if found.

44. Nothing in this Act contained shall, in any manner, derogate from, or affect, or be construed to derogate from or affect the rights of Her Majesty, Her Heirs and Successors, or of any person or persons, or of any body or bodies politic or corporate, except in so far as the same may be specially derogated from or affected by the provisions of this Act.

Saving of rights of Crown, &c.

45. This Act shall be held and taken to be a Public Act, and shall be known as the "Charter of La Banque Nationale," and the Interpretation Act shall apply thereto.

Public Act.

46. This Act shall be and remain in force until the first day of January, which will be in the year of Our Lord, one thousand eight hundred and seventy, and from that time, until the end of the then next session of the Parliament of this Province, and no longer.

Duration of this Act to 1870.

SCHEDULE

SCHEDULE A

Referred to in the thirty-eighth section of the foregoing Act.

RETURN of the Average Amount of Liabilities and Assets of "La Banque Nationale" during the period from the first to , one thousand eight hundred and .

LIABILITIES

Promissory notes in circulation not bearing interest... $
Bills of exchange in circulation not bearing interest... $
Bills and notes in circulation bearing interest..... $
Balances due to other Banks..... $
Cash deposits not bearing interest..... $
Cash deposits bearing interest..... $

Total average liabilities..... $

ASSETS.

Coin and Bullion. .... $
Landed or other property of the Bank..... $
Government securities..... $
Promissory notes or bills of other Banks..... ..... $
Balances due from other Banks..... $
Notes and bills discounted..... $
Other debts due to the Bank, not included under the foregoing heads..... $

Total average assets..... $

CAP. CIV.

An Act to incorporate the "Bank of Western Canada."

[*Assented to 4th May*, 1859.]

Preamble. WHEREAS Duncan McFarland, John Simpson, and others, have by their Petition prayed that they with others and their legal Representatives, might be incorporated for the purpose of establishing a Bank in the County of Welland; And whereas it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons incorporated. 1. The several persons hereinbefore named, and such other persons as may become Shareholders in the Company to be by this Act created, and their assigns, shall be and they are hereby created, constituted and declared to be a Corporation, body corporate and politic, by the name of the "Bank of Western

Western Canada," and shall continue such Corporation, and shall have perpetual succession and a Corporate Seal, with power to alter and change the same at pleasure, and may sue and be sued, implead or be impleaded in all Courts of Law, as other Corporations may do, and shall have the power to acquire and hold real and immoveable estate for the management of their business, not exceeding the yearly value of eight thousand dollars, and may sell, alienate or exchange the same, and acquire other instead, and may, when duly organized as hereinafter provided, make, ordain and establish such Rules, Regulations and By-laws as to them shall seem meet and necessary for the due and proper administration of their affairs, and the due management of the said Bank, such By-laws, Rules and Regulations not being inconsistent with this Act, or contrary to the laws of this Province; Provided, however, that such Rules, Regulations and By-laws shall be submitted for approval to the stockholders or shareholders in the said Bank, at their regular annual meetings.

Corporate name and general powers.

Real property limited.

By-laws.

Proviso.

2. The Capital Stock of the said Bank hereby incorporated shall be one million of dollars, money of this Province, divided into twenty thousand shares of fifty dollars each, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns; Provided always, that the majority in number and value of the said shareholders shall always be British subjects residing in Great Britain or Ireland or one of Her Majesty's colonies.

Capital stock, amount of number, and amount of shares.

Proviso.

3. For the purpose of raising the amount of the said Capital Stock, it shall be lawful for the persons hereby incorporated, or for any number of them, to cause Stock Books to be opened, after giving four weeks' public notice in one or more newspapers, in the County of Welland, upon which Stock Books shall and may be received the signatures and subscriptions of such persons or parties as desire to become shareholders in the said Bank; and such Books shall be opened at Clifton and elsewhere, at the discretion of the persons opening the same, and shall be kept open so long as may be necessary; and so soon as four hundred thousand dollars of the said Capital Stock shall have been subscribed upon the said Stock Books, and forty thousand dollars paid thereon, into some one of the present Chartered Banks of this Province, a public meeting shall be called of subscribers after two weeks' notice as hereinbefore provided, at such time and place as such notice shall indicate; and at such meeting the shareholders shall proceed to elect five Directors, having the requisite stock qualification, who shall from thenceforward manage the affairs of the said Bank, shall take charge of the Stock Books hereinabove referred to, and shall continue in office until the second Monday in January next thereafter, and until their successors in office shall be duly elected, and the said election shall be had in the same manner as the annual elections hereinafter provided for,

Stock books may be opened.

At Clifton and elsewhere.

First meeting for election of Directors.

as

as respects the regulating of votes according to the number of shares subscribed for; Provided always, that unless the said subscription of Capital Stock and the said payment thereon be completed within twelve months after the passing of this Act, this Charter and Act shall be null and void.

Shares to be paid in by instalments.

4. The shares of Capital Stock subscribed for shall be paid in and by such instalments and at such times and places as the said Directors shall appoint; and executors, administrators and curators paying instalments upon the shares of deceased shareholders, shall be and they are hereby respectively indemnified for paying the same; Provided always, that no share or shares shall be held to be lawfully subscribed for, unless a sum equal at least to ten dollars per centum on the amount subscribed for, be actually paid at the time of subscribing; Provided further, that it shall not be lawful for the subscribers to the Capital Stock aforesaid, to commence the business of Banking, until a sum not less than one hundred thousand dollars shall have been paid in by them, to some one of the present Chartered Banks of this Province having a paid up capital of not less than a million of dollars; Provided further, that the said Capital Stock shall be subscribed for and paid up as follows, that is to say: the sum of two hundred thousand dollars within three years; the further sum of two hundred thousand dollars within four years; and the further sum of six hundred thousand dollars within five years after the said Bank shall have so commenced the business of Banking, under penalty of forfeiture of the Charter.

Ten per cent. on subscribing.

Proviso: when the stock shall be paid up.

Shareholders neglecting to pay instalments to forfeit ten per cent. on amount of shares.

Shares may be forfeited.

5. If any shareholder or shareholders shall refuse or neglect to pay any or either of the instalments upon his, her or their shares of the said Capital Stock at the time or times required by public notice as aforesaid, such shareholder or shareholders shall incur a forfeiture to the use of the said Bank, of a sum of money equal to ten dollars per centum on the amount of such shares; and moreover, it shall be lawful for the Directors of the said Bank (without any previous formality other than thirty days of public notice of their intention) to sell at public auction the said shares or so many of the said shares as shall, after deducting the reasonable expenses of the sale, yield a sum of money sufficient to pay the unpaid instalments due on the remainder of the said shares, and the amount of forfeiture incurred upon the whole; and the President or the Vice-President or Cashier of the said Bank shall execute the transfer to the purchaser of the shares of stock so sold, and such transfer, being accepted, shall be as valid and effectual in law as if the same had been executed by the original holder or holders of the shares of stock thereby transferred; Provided always, that nothing in this section contained shall be held to debar the directors or shareholders at a general meeting from limiting either in whole or in part, and conditionally or unconditionally, any forfeiture incurred by the non-payment of instalments as aforesaid.

Proviso: forfeiture may be remitted.

6.

6. The chief place or seat of business of the said Bank shall be in Clifton aforesaid, but it shall and may be lawful for the directors of the Bank to open and establish in other cities, towns and places in this Province, Branches or offices of discount and deposit of the said Bank, under such rules and regulations for the good and faithful management of the same, as to the said Directors shall from time to time seem meet, and shall not be repugnant to any law of this Province, to this Act, or to the By-laws of the said Bank.

Chief place of business to be at Clifton.

Branches elsewhere.

7. For the management of the affairs of the said Bank, there shall be five Directors, who shall be annually elected by the shareholders of the capital stock of the Bank at a general meeting of them to be held annually on the second Monday in January; at which meeting the shareholders shall vote according to the rule or scale of votes hereinafter established; and the Directors elected by a majority of votes given in conformity to such rule or scale, shall be capable of serving as Directors for the ensuing twelve months; and at their first meeting to be held immediately after such election, shall choose out of their number, or from among the stockholders being eligible for election as Directors, a President and a Vice-President, who shall hold their offices respectively during the same period; and in case of vacancy occurring in the said number of Directors, the remaining Directors shall fill the same by election from among the shareholders, and the Director so elected shall be capable of serving as a Director until the next annual general meeting of the shareholders; and if the vacancy occurring in the said number of Directors shall also cause the vacancy of the office of President or of Vice-President, the Directors, at their first meeting after their number shall have been completed as aforesaid, shall fill the vacant office by choice or election from among themselves, and the Director so chosen or elected shall fill the office to which he shall be so chosen or elected, until the next general annual meeting of the shareholders; Provided always, that each of the Directors shall be the holder and proprietor in his own name of not less than twenty shares of the capital stock of the said Bank, and shall be a natural born or naturalized subject of Her Majesty and a resident of Canada.

Affairs to be managed by five Directors to be elected yearly by votes of Shareholders.

President and Vice-President.

Vacancies, how to be filled up.

Qualification of Directors.

8. If at any time it shall happen that an election of Directors shall not be made or take effect on the day fixed by this Act, the corporation hereby constituted shall not be deemed or taken to be thereby dissolved, but it shall be lawful at any subsequent time to make such election, at a general meeting of the shareholders to be duly called for that purpose.

Election not taking place, Corporation not thereby dissolved.

9. The books, correspondence and funds of the Bank shall, at all times, be subject to the inspection of the Directors, but no shareholder not being a Director shall inspect or be allowed to inspect the account or accounts of any person or persons dealing with the Bank.

Books, &c., to be subject to inspection of Directors.

10.

Quorum of Directors.

10. At all meetings of the Directors of the said Bank, not less than three of them shall constitute a board or quorum for the transaction of business; and at the said meetings the President, or in his absence the Vice-President, or in their absence one of the Directors present to be chosen *pro tempore*, shall preside; and the President, Vice-President or President *pro tempore* so presiding, shall vote as a Director only.

Provisional Directors appointed.

11. Until the first general election of Directors under this Act, the said Duncan McFarland, John Simpson, Gilbert McMicken, Zenas B. Lewis, George Bender, Richard Graham, John W. Dunklee, Robert Hobson and John Scholfield, shall be the Provisional Directors, and such Provisional Directors shall elect the President, and the Vice-President, and shall continue in office until the first meeting of subscribers.

Directors may make By-laws.

12. It shall and may be lawful for the Directors of the said Bank, from time to time to make and enact By-laws, Rules and Regulations (the same not being repugnant to this Act or to the laws of this Province,) for the proper management of the affairs of the said Bank, and from time to time to alter or repeal the same and others to make and enact in their stead; Provided always, that no By-law, Rule or Regulation so made by the Directors shall have force or effect until the same shall, after six weeks' public notice, have been confirmed by the shareholders at an annual general meeting, or at a special general meeting called for that purpose.

By-laws to be confirmed by Shareholders.

Remuneration of Directors.

13. The shareholders may, by a By-law, appropriate a sum of money for the remuneration of the services of the President and Directors as such, and the President and Directors may annually apportion the same among themselves as they may think fit: No Director shall act as a private Banker.

No Director to act as private banker.

Directors may appoint Cashiers and Officers.

Other powers.

14. The Directors of the said Bank shall have power to appoint such Cashiers, Officers, Clerks and Servants under them as shall be necessary for conducting the business of the Bank, and to allow reasonable compensation for their services respectively, and shall also be capable of exercising such power and authority for the well-governing and ordering of the affairs of the Bank, as shall be prescribed by the By-laws thereof; Provided always, that before permitting any Cashier, Officer, Clerk or Servant of the Bank to enter upon the duties of his office, the Directors shall require every such Cashier, Officer, Clerk or Servant, to give bond, to the satisfaction of the Directors, in such sum of money as the Directors consider adequate to the trust to be reposed, with condition for good and faithful behaviour; every Cashier in a sum not less than twenty thousand dollars, every Assistant Cashier in a sum not less than twelve thousand dollars, and every other Officer and Servant of the Bank in such sum as the Directors shall consider adequate to the trust reposed in him with condition for good and faithful behaviour.

Security to be taken from Officers.

Amount of security.

15.

15. It shall be the duty of the Directors to make half-yearly dividends of so much of the profits of the Bank as to them shall appear advisable; and such dividends shall be payable at such place or places as the Directors shall appoint, and of which they shall give public notice thirty days previously; Provided always, that no such dividends shall in any manner lessen or impair the Capital Stock of the Bank. Directors to make half-yearly dividends. Proviso.

16. A general Meeting of the Shareholders of the Bank shall be held in Clifton aforesaid, on the second Monday in the month of January, in every year during the continuance of this Act, for the purpose of electing Directors in the manner hereinafter provided, and for all other general purposes touching the affairs and the management of the affairs of the Bank; and at each of the said Annual General Meetings, the Directors shall submit a full and clear statement of the affairs of the Bank, containing, on the one part, the amount of Capital Stock paid in, the amount of notes of the Bank in circulation, the net profits in hand, the balances due to other Banks and Institutions, and the Cash deposited in the Bank, distinguishing deposits bearing interest from those not bearing interest; and, on the other part, the amount of current coins and gold and silver bullion in the vaults of the Bank, the value of buildings and other real estate belonging to the Bank, the balances due to the Bank from other Banks or Institutions, and the amount of debts owing to the Bank, including and particularizing the amounts so owing on bills of exchange, discounted notes, mortgages, and hypothecs, and other securities; thus exhibiting on the one hand the liabilities of, or debts due by the Bank, and on the other hand, the assets and resources thereof; and the said statement shall also exhibit the rate and amount of the then last dividend declared by the Directors, the amount of profits reserved at the time of declaring such dividend, and the amount of debts of the Bank overdue and not paid, with an estimate of the loss which may probably be incurred from the non-payment of such debts. Annual meeting of Stockholders for election of Directors. Statement of affairs. Its form and contents. Last dividend and reserve fund.

17. The number of votes which the shareholders of the said Bank shall respectively be entitled to give at their meetings, shall be according to the following scale, that is to say: for one share and not more than two, one vote; for every two shares above two and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten and not exceeding thirty, one vote, making ten votes for every thirty shares; for every six shares above thirty and not exceeding sixty, one vote, making fifteen votes for sixty shares; and for every eight shares above sixty and not exceeding one hundred, one vote, making twenty votes for one hundred shares; and no shareholder shall be entitled to give a greater number of votes than twenty; and it shall be lawful for absent shareholders to give their votes by proxy, such proxy being also a shareholder, and being provided with a written authority from his constituent or Scale of voting.

constituents, in such form as shall be established by a By-law, and which authority shall be lodged in the Bank; Provided always, that a share or shares of the Capital Stock of the said Bank, which shall have been held for a less period than three calendar months immediately prior to any meeting of the shareholders shall not entitle the holder or holders to vote at such meeting, either in person or by proxy; Provided also, that where two or more persons are joint holders of shares, it shall be lawful that one only of such joint holders be empowered, by letter of Attorney from the other joint holder or holders, or a majority of them, to represent the said shares and vote accordingly; And provided also, that no shareholder who shall not be a natural born or naturalized subject of Her Majesty, or who shall be a subject or citizen of any Foreign Prince or State, shall either in person or by proxy, vote at any meeting whatever of the shareholders of the said Bank, or shall assist in calling any meeting of the shareholders; any thing in this Act to the contrary notwithstanding.

Proviso: shares must have been held a certain time.

As to Joint holders.

Must be British subjects.

Officers not to vote.

18. No Cashier, Bank Clerk, or other officer of the Bank, shall vote either in person or by proxy at any meeting for the election of directors, or hold a proxy for that purpose.

Special meetings may be called, and how.

Notice thereof.

If it be for the removal of a President or Vice-President.

19. Any number, not less than twenty, of the shareholders of the said Bank, who, together, shall be proprietors of at least five hundred shares of the paid up Capital Stock of the Bank, by themselves or proxies, or the directors of the Bank, or any four of them, shall respectively have power at any time to call a special general meeting of the shareholders of the Bank, to be held at their usual place of meeting in Clifton, upon giving six weeks' previous public notice thereof, and specifying in such notice the object or objects of such meeting; and if the object of any such special general meeting be to consider of the proposed removal of the President, or Vice-President, or of a Director or Directors of the Bank, for mal-administration or other specified and apparently just cause, then and in such cases the person or persons whom it shall be proposed to remove, shall, from the day on which the notice shall first be published, be suspended from the duties of his or their office or offices, and if it be the President or Vice-President whose removal shall be proposed as aforesaid, his office shall be filled up by the remaining Directors (in the manner hereinbefore provided in the case of a vacancy occurring in the office of President,) who shall choose or elect a Director to serve as such President or Vice-President during the time such suspension shall continue to be undecided upon.

Stock to be deemed personal estate, how assignable.

20. The shares of the Capital Stock of the said Bank shall be held and adjudged to be personal estate, and be transmissible accordingly, and shall be assignable and transferable at the Bank according to the form of Schedule A annexed to this Act; but no assignment or transfer shall be valid and effectual,

effectual, unless it be made and registered in a Book or Books to be kept by the Directors for that purpose, nor until the person or persons making the same shall previously discharge all debts actually due by him, her or them to the Bank, which may exceed in amount the remaining stock (if any) belonging to such person or persons; and no fractional part or parts of a share or other than a whole share shall be assignable or transferable; and when any share or shares of the said Capital Stock shall have been sold under a writ of execution, the Sheriff by whom the writ shall have been executed shall, within thirty days after the sale, leave with the Cashier of the Bank an attested copy of the writ, with the certificate of such Sheriff indorsed thereon, certifying to whom the sale has been made, and thereupon (but not until after all debts, due by the original holder or holders of the said shares to the Bank, shall have been discharged as aforesaid,) the President, or Vice-President, or Cashier of the Bank, shall execute the transfer of the share or shares so sold to the purchaser, and such transfer, being duly accepted, shall be to all intents and purposes as valid and effectual in law, as if it had been executed by the original holder or holders of the said shares; any law or usage to the contrary notwithstanding.

Sale of shares under seizure.

21. The Bank may allow and pay interest not exceeding the legal rate in this Province, upon money deposited in the Bank; and in discounting promissory notes, bills, or other negotiable securities on paper, may receive or retain the discount thereon at the time of discounting or negotiating the same; and when notes, bills, or other negotiable securities or paper are *bonâ fide* payable at a place within the Province, different from that at which they are discounted, the Bank may also, in addition to the discount, receive or retain an amount not exceeding one half per centum on the amount of every such note, bill, or other negotiable security or paper, to defray the expenses of agency and exchange attending the collection of every such note, bill, or other negotiable security or paper; and the Bank may charge any note or bill held by and made payable at the Bank, against the deposit account of the maker or acceptor of such note or bill, at the maturity thereof; any law, statute or usage to the contrary notwithstanding; Provided always, that nothing herein contained shall alter or derogate in any wise from the restrictions imposed by the Act twenty-second Victoria, chapter eighty-five, intituled, *An Act to amend the Laws of this Province regulating the rate of interest.*

Bank may pay interest on deposits and retain discount on advances.

And premium in certain cases.

Charging notes against deposits accounts.

Proviso.

22 V. c. 85.

22. The said Bank shall not either directly or indirectly hold any lands or tenements (save and except such as by the first section of this Act they are specially authorized to acquire and hold), or any ships or other vessels, or any share or shares of the Capital Stock of the same, nor in any other Bank in this Province; nor shall the said Bank either directly or indirectly

In what business only Bank shall engage, and what species of property it may hold.

lend money or make advances upon security, mortgage or hypothecation (*hypothèque*) of any lands or tenements, or of any ships or other vessels, nor upon the security or pledge of any share or shares of the Capital Stock of the Bank, or of any goods, wares or merchandize; nor shall the said Bank either directly or indirectly raise loans of money, or deal in the buying, selling or bartering of goods, wares or merchandize, or engage or be engaged in any trade whatever, except as dealers in gold and silver bullion, bills of exchange, discounting of promissory notes and negotiable securities, and in such trade generally as legitimately appertains to the business of banking; Provided always, that the said Bank may purchase, take and hold mortgages and hypothecs and assignments of mortgages and hypothecs on real and personal property in this Province, by way of additional security for debts contracted to the Bank in the course of their dealings.

Proviso.

Amount of advances to Directors limited.

23. The aggregate amount of discounts and advances made by the said Bank upon commercial paper or securities bearing the name of any Director or Officer, or the copartnership name or firm of any Director of the said Bank, shall not at any one time exceed one-twentieth of the total amount of discounts or advances made by the Bank at the same time.

Bonds, &c., of Corporation assignable by indorsement.

24. The bonds, obligations and bills obligatory and of credit of the said Bank, under its common seal, and signed by the President or Vice-President, and countersigned by a Cashier thereof, which shall be made payable to any person or persons, shall be assignable by indorsement thereon under the hand or hands of such person or persons, and of his, her, or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in the several assignees successively, and to enable such assignee or assignees to bring and maintain an action or actions thereupon, in his, her or their own name or names; and signification of any such assignment by indorsement shall not be necessary, any law or usage to the contrary notwithstanding; and bills or notes of the Bank, signed by the President or Vice-President, and countersigned by a Cashier thereof, promising the payment of money to any person or persons, his, her or their order, or to the bearer, though not under the seal of the Bank, shall be binding and obligatory upon the same, in the like manner and with the like force and effect as they would be upon any private person or persons, if issued by him, her or them, in his, her or their private or natural capacities, and shall be assignable or negotiable in like manner as if they were so issued by such private person or persons; Provided always, that nothing in this Act contained shall be held to debar the Directors of the Bank from authorizing or deputing from time to time any Cashier or Officer of the Bank or any Director other than the President or the Vice-President, or any Cashier, Manager or local Director of a branch or office of discount and deposit of the said Bank, to sign, and any Cashier,

Proviso: other Officers may be appointed to sign notes.

Cashier, Accountant or Book-keeper of the said Bank or of any branch or office of discount and deposit thereof, to countersign the Bills or Notes of the said Bank intended for general circulation and payable to order or to bearer on demand.

Recital.

25. And whereas it may be deemed expedient that the name or names of the person or persons intrusted and authorized by the Bank to sign bank notes and bills on behalf of the Bank, should be impressed by machinery in such form as may, from time to time, be adopted by the Bank, instead of being subscribed in the hand-writing of such person or persons respectively; And whereas doubts might arise respecting the validity of such notes: Be it therefore further declared and enacted, that all bank notes and bills of the Bank of Western Canada whereon the name or names of any person or persons intrusted or authorized to sign such notes or bills on behalf of the Bank, shall or may become impressed by machinery provided for that purpose by or with the authority of the Bank, shall be and be taken to be good and valid to all intents and purposes, as if such notes and bills had been subscribed in the proper hand-writing of the person or persons intrusted and authorized by the Bank to sign the same respectively, and shall be deemed and taken to be bank notes or bills in all indictments and civil or criminal proceedings whatsoever; any law, statute or usage to the contrary notwithstanding.

Signature to notes by machinery to be good and valid.

Notes to bear date and be payable at place of issue.

26. The notes or bills of the said Bank made payable to order or to bearer, and intended for general circulation, whether the same shall issue from the chief place or seat of business of the Bank or from any of its branches, shall bear date at the place of issue, and not elsewhere, and shall be payable on demand in specie at the same place of issue.

Suspension for sixty days to operate for failure of charter

27. A suspension by the said Bank (either at the chief place or seat of business, or at any of their branches or offices of discount or deposit at any other places in this Province,) of payment on demand in specie of the notes or bills of the said Bank, payable on demand, shall, if the time of suspension extend to sixty days, consecutively or at intervals, within any twelve consecutive months, operate as, and be a forfeiture of this Act of incorporation and all and every the privileges hereby granted.

Total amount of notes under £1 issued by Bank, limited.

No note under a dollar.

28. The total amount of notes or bills of the said Bank, being for a less sum than four dollars, current money of Canada, each, that shall be or may have been issued and put in circulation, shall not exceed at any one time one-fifth of the amount of Capital Stock of the Bank then paid in; Provided always, that no note under the nominal value of five shillings shall, at any time be issued or put into circulation by the Bank, nor shall any further limitation by the Legislature of the total amount of notes to be issued or re-issued by the said Bank, be held

held to be any infringement upon the privileges hereby granted: Provided further, that the several provisions of an Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to encourage the issue by the Chartered Banks of this Province of notes secured in the manner provided by the general Banking law*, shall be and are hereby declared to be applicable to the Bank established under this Act.

16 V. c. 162, to apply.

Total liabilities of Bank limited.

29. The total amount of the debts which the said Bank shall at any time owe, whether by bond, bill, note or otherwise, shall not exceed three times the aggregate amount of the capital stock paid in, and the deposits made in the Bank in specie and Government securities for money; and at no one period after the passing of this Act, shall the notes or bills payable on demand and to bearer, exceed the amount of the actually paid up Capital Stock of the Corporation, and the gold and silver coin and bullion and debentures or other securities reckoned at par, issued or guaranteed by the Government under the authority of the Legislature of this Province on hand, and in case of excess, the said Bank shall forfeit this Act of incorporation and all the privileges hereby granted; and the Directors under whose administration the excess shall happen shall be liable jointly and severally for the same, in their private capacities, as well to the shareholders as to the holders of the bonds, bills and notes of the Bank, and an action or actions in this behalf may be brought against them or any of them, and the heirs, executors, administrators or curators of them or any of them, and be prosecuted to judgment and execution according to law, but such action or actions shall not exempt the Bank, or their lands, tenements, goods or chattels from being also liable for such excess; Provided always, that if any Director present at the time of contracting any such excess of debt, do forthwith, or if any Director, absent at the time of contracting any such excess of debt do, within twenty-four hours after he shall have obtained a knowledge thereof, enter on the minutes or register of proceedings of the Bank, his protest against the same, and do, within eight days thereafter, publish such protest in at least one newspaper published in the County of Welland, such Director may thereby, and not otherwise, exonerate and discharge himself, his heirs, executors and administrators or curators, from the liability aforesaid, any thing herein contained, or any law to the contrary notwithstanding; And provided always, that such publication shall not exonerate any Director from his liability as a shareholder.

Penalty for excess.

Proviso: how a Director may avoid such responsibility.

Proviso.

Liability of Shareholders limited.

30. In the event of the property and assets of the Bank hereby constituted becoming insufficient to liquidate the liabilities and engagements or debts thereof, the shareholders of the Bank in their private or natural capacities shall be liable and responsible for the deficiency, but to no greater extent than to double the amount of Capital Stock held by them, that is to say: that the liability and responsibility of each shareholder shall

shall be limited to the amount of his or her share or shares of the said Capital Stock, and a sum of money equal in amount thereto; Provided always, that nothing in this section contained shall be construed to alter or diminish the additional liabilities of the Directors of the Bank hereinbefore mentioned and declared. Proviso.

31. Besides the detailed statement of the affairs of the said Bank, hereinbefore required to be laid before the shareholders thereof, at their annual general meeting, the Directors shall make up and publish on the first day of each month, in every year, statements of the assets and liabilities of the Bank in the form of Schedule B hereunto annexed, shewing under the heads specified in the said form, the average of the amount of the notes of the Bank in circulation and other liabilities, at the termination of each month, and the average amount of specie and other assets which, at the same time were available to meet the same; and it shall also be the duty of the Directors to submit to the Governor of this Province, a copy of each of such monthly statements, and if by him required to verify all or any part of the said statements, the said Directors shall verify the same, by the production of the monthly balance sheet from which the said statement shall have been compiled; And furthermore, the said Directors shall from time to time, when required, furnish to the said Governor of this Province, such further information respecting the state and proceedings of the Bank, and of the several branches and offices of discount and deposit thereof, as such Governor of this Province may reasonably see fit to call for; Provided always, that the monthly balance sheet, and the further information that shall be so produced and given shall be held by the said Governor of this Province, as being produced and given in strict confidence, that he shall not divulge any part of the contents of the said monthly balance sheet, or of the information that shall be so given; And provided also, that the Directors shall not, nor shall any thing herein contained be construed to authorize them or any of them to make known the private account or accounts of any person or persons whatever having dealings with the Bank. Monthly statements of affairs to be published. How verified. Proviso: further information to be confidential. Proviso: as to private accounts.

32. It shall not be lawful for the Bank at any time whatever, directly or indirectly, to advance or lend to, or for the use of, or on account of any foreign prince, power or State, any sum or sums of money, or any securities for money; and if such unlawful advance or loan be made, then and from thenceforth the said corporation hereby constituted shall be dissolved, and all the powers, authorities, rights, privileges and advantages hereby granted shall cease and determine, any thing in this Act to the contrary notwithstanding. Bank not to lend money to foreign power.

33. The several public notices by this Act required to be given, shall be given by advertisement in one or more of the newspapers How notices shall be given.

newspapers published in the County of Welland, and in the *Canada Gazette*, or such other Gazette as shall be generally known and accredited as the Official Gazette, for the publication of official documents and notices emanating from the Civil Government of this Province.

Transfer of shares in Great Britain.

34. Shares of the capital stock of the Bank may be made transferable, and the dividends accruing thereon may be made payable in the United Kingdom, in like manner as such shares and dividends are respectively made transferable and payable at the Bank in the Town of Clifton, and to that end the Directors may from time to time make such rules and regulations, and prescribe such forms, and appoint such agent or agents as they may deem necessary.

Provision for proving transmission of shares otherwise than by regular transfer.

35. If the interest in any share in the said Bank become transmitted in consequence of the death or bankruptcy or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other lawful means than by a transfer according to the provisions of this Act, the Directors may require such transmission to be authenticated by a declaration in writing as hereinafter mentioned, or in such other manner as the Directors of the Bank shall require, and every such declaration or other instrument so signed, made and acknowledged shall be left at the Bank with the Cashier or other Officer or Agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission in the Register of Shareholders, and until such transmission shall have been so authenticated, no party or person claiming by virtue of any such transmission shall be entitled to receive any share of the profits of the Bank, nor to vote in respect of any such share or shares as the holder thereof; Provided always, that every such declaration and instrument as by this and the following section of this Act is required to perfect the transmission of a share of the Bank, and as shall be made in any other country than in this or some other of the British Colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice Consul, or other the accredited representative of the British Government in the country where the declaration shall be made, or shall be made directly before such British Consul or other accredited Representative; And provided also, that nothing in this Act contained shall be held to debar the Directors, Cashier, or other officer or agent of the Bank from requiring corroborative evidence of any fact or facts alleged in any such declaration.

Proviso: if the declaration is made in a foreign country.

Proviso: further proof may be required.

If transmission be by marriage, &c

36. If the transmission of any share in the Bank be by virtue of the marriage of a female shareholder, the declaration shall contain a copy of the register of such marriage or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share; and if the transmission

transmission have taken place by virtue of any testamentary instrument, or by intestacy, the probate of the will or the letters of administration, or of tutorship or curatorship, or an official extract therefrom, shall, together with such declaration, be produced and left with the Cashier or other officer or agent of the Bank, who shall then enter the name of the party entitled under such transmission in the register of shareholders.

How decision of Court as to title to shares shall be obtainable.

37. Whenever the interest in any share or shares of the Capital Stock of the said Bank shall be transmitted by the death of any shareholder or otherwise, or whenever the ownership of, or legal right of possession in any such share or shares, shall change by any lawful means other than by transfer according to the provisions of this Act, and the Directors of the said Bank shall entertain reasonable doubts as to the legality of any claim to and upon such share or shares of stock, then and in such case it shall be lawful for the said Bank to make and file, in the Court of Chancery for Upper Canada, a declaration and petition in writing addressed to the Chancellor of the Court, setting forth the facts and the number of shares previously belonging to the party in whose name such shares stand in the Books of the Bank, and praying for an order or judgment adjudicating and awarding the said shares to the party or parties legally entitled to the same, and by which order or judgment the Bank shall be guided and held fully harmless and indemnified and released from all and every other claim for the said shares or arising therefrom; Provided always, that notice of such petition shall be given to the party claiming such shares, who shall, upon the filing of such petition establish his right to the several shares referred to in such petition; and all other proceedings in such cases shall be the same as those observed in cases pending before the said Court of Chancery; Provided also, that the costs and expenses of procuring such order and adjudication shall be paid by the party or parties to whom the said shares shall be declared lawfully to belong, and such shares shall not be transferred until such costs and expenses be paid, saving the recourse of such party against any party contesting his right.

Proviso.

Proviso.

Bank not bound to see to execution of trusts to which shares may be subject.

38. The Bank shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any of the shares of the Bank may be subject; and the receipt of the party in whose name any such share shall stand in the Books of the Bank, or if it stand in the names of more parties than one, the receipt of one of the parties, shall, from time to time, be a sufficient discharge to the Bank for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Bank shall have had notice of such trust; and the Bank shall not be bound to see to the application of the money paid upon such receipt; any law or usage to the contrary notwithstanding.

39.

One tenth of capital paid up to be invested in debentures.

39. It shall be the duty of the Directors of the said Bank to invest, and to keep invested at all times in the Debentures of this Province, payable within the same, or of the Consolidated Municipal Loan Fund, one-tenth part of the whole paid up Capital of the said Bank, and to make a return of the numbers and amount of such Debentures, verified by the oaths and signatures of the President or Chief Cashier or Manager of the said Bank, to the Inspector General, in the month of January of each year, under the penalty of the forfeiture of the Charter of the said Bank in default of such investment and return; Provided always, that the said Directors shall not commence the ordinary business of Banking, until the sum of twenty thousand dollars shall have been invested in such Debentures.

Proviso.

Embezzlement, &c., by Bank Officers, to be felony.

40. If any Cashier, Assistant Cashier, Manager, Clerk or Servant of the said Bank shall secrete, embezzle, or abscond with any bond, obligation, bill obligatory or of credit, or other bill or note or any security for money, or any moneys or effects intrusted to him as such Cashier, Assistant Cashier, Manager, Clerk or Servant, whether the same belong to the said Bank, or belonging to any other person or persons, body or bodies politic or corporate, or institution or institutions, be lodged and deposited with the said Bank, the Cashier, Assistant Cashier, Manager, Clerk or Servant so offending, and being thereof convicted in due form of law, shall be deemed guilty of felony.

Punishment in such case.

41. Every person convicted of felony under this Act shall be punished by imprisonment at hard labor in the Provincial Penitentiary for any term not less than two years, or by imprisonment in any other Gaol or place of confinement for any less term than two years, in the discretion of the Court before which he shall be convicted.

Power to search for forged notes or machinery used for forging them.

42. It shall and may be lawful to and for any Justice of the Peace, on complaint made before him upon the oath of one credible person, that there is just cause to suspect that any one or more person or persons is or are or hath or have been concerned in making or counterfeiting any false bills of exchange, promissory notes, undertakings or orders of the said Bank, or hath in his possession any plates, presses or other instruments, tools or materials for making or counterfeiting the same, or any part thereof, by warrant under the hand of such Justice, to cause the dwelling house, room, workshop or out-house or other building, yard, garden or other place belonging to such suspected person or persons, or where any such person or persons shall be suspected of carrying on any such making or counterfeiting, to be searched; and if any such false bills of exchange, promissory notes, undertakings or orders, or any plates, presses or other tools, instruments or materials shall be found in the custody and possession of any person or persons whomsoever,

And if any are found.

whomsoever, not having the same by some lawful authority, it shall and may be lawful to and for any person or persons whomsoever discovering the same, to seize, and he or they are hereby authorized and required to seize such false or counterfeit bills of exchange, promissory notes, undertakings or orders, and such plates, presses or other tools, instruments or materials, and to carry the same forthwith before a Justice of the Peace of the County or District, (or, if more convenient, of the adjoining County or District,) in which the same shall be seized, who shall cause the same to be secured and produced in evidence against any person or persons who shall or may be prosecuted for any of the offences aforesaid, in some Court of Justice proper for the determination thereof, and the same, after being so produced in evidence shall, by order of the Court, be defaced or destroyed, or otherwise disposed of as such Court shall direct.

43. This Act shall be and remain in force until the first day of January, which will be in the year of our Lord, one thousand eight hundred and seventy, and from that time until the end of the then next Session of the Parliament of this Province, and no longer. **Duration of Act.**

44. This Act shall be deemed a Public Act. **Public Act.**

SCHEDULE A

Referred to in the Twentieth Section of the foregoing Act.

For value received from , I, (*or* we,) of , do hereby assign and transfer unto the said shares, (on each of which has been paid dollars cents, amounting to the sum of dollars cents,) in the Capital Stock of the Bank of Western Canada, subject to the rules and regulations of the said Bank.

Witness my (*or* our) hand (*or* hands) at the said Bank, this day of , one thousand eight hundred and

(*Signatures.*)

I (*or* we) do hereby accept the foregoing assignment of shares in the Stock of the Bank of Western Canada, assigned to me (*or* us) as above mentioned, at the Bank, this day of , one thousand eight hundred and

(*Signatures.*)

SCHEDULE

SCHEDULE B

Referred to in the Thirty-first Section of the former Act.

Return of the Average Amount of Liabilities and Assets of the Bank of Western Canada, during the period from the day of to , one thousand eight hundred and

LIABILITIES.

Promissory Notes in circulation not bearing interest.....$
Bills of Exchange in circulation not bearing interest.....$
Bills and Notes in circulation bearing interest.....$
Balances due to other Banks.....$
Cash deposits, not bearing interest.....$
Cash deposits, bearing interest.....$

Total average Liabilities..... $

ASSETS.

Coin and Bullion.....$
Landed or other property of the Bank.....$
Government Securities.....$
Promissory Notes or Bills of other Banks.....$
Balances due from other Banks.....$
Notes and Bills discounted.....$
Other debts due to the Bank, not included under the foregoing heads.....$

Total average Assets..... $

CAP. CV.

An Act to authorize an addition to the Capital of the Canada Landed Credit Company, and for other purposes therein mentioned.

[*Assented to 4th May*, 1859.

Preamble.

22 V. c. 133.

WHEREAS the Canada Landed Credit Company, created and constituted by the Act passed in the twenty-second year of Her Majesty's Reign, chaptered one hundred and thirty-three, hath prayed for authority to increase its capital and for power to make certain regulations for the better management of the said Company, and it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1.

Inconsistent provision of recited Act repealed.

1. So much of the Act hereinbefore cited as may be inconsistent with or repugnant to the provisions of this Act, or as makes any provision in any matter provided for by this Act other than such as is hereby made, shall be and is hereby repealed.

Increase of capital stock.

2. It shall be lawful for the said Company to add to their present capital stock a sum not exceeding five hundred thousand dollars, and to raise such sum either by subscription among the present shareholders or by the admission of new shareholders, or partly in one way and partly in the other, which said sum of five hundred thousand dollars shall be divided into ten thousand shares of fifty dollars each; and every person subscribing for or taking any share or shares in such additional capital stock of five hundred thousand dollars shall have the same rights and be subject to the same rules and liabilities as the original subscribers and shareholders of the said Canada Landed Credit Company.

Amendment to 17th section as to amount of each call or of all the calls in one year.

3. So much of the seventeenth section of the said Act as authorizes the Company to make calls upon the respective shareholders in respect of the amount of capital respectively subscribed or owing by them as they shall deem necessary, provided that no call exceed the amount of ten dollars per share and that the aggregate amount of calls made in one year do not exceed the amount of forty dollars per share, shall be and the same is hereby altered and amended so as that no call shall exceed the amount of five dollars per share, and that the aggregate amount of calls made in one year shall not exceed the amount of twenty dollars per share.

Increase of debenture capital.

4. The Proviso to the thirtieth section of the said Act is hereby repealed and the following substituted therefor: "Provided that the amount to be so raised by debentures shall at no time exceed one million of dollars, and that no loan shall be made by the Company to the amount of more than one half of the value of the property mortgaged therefor."

Annual general meeting of the Company.

5. The second annual general meeting of the Company shall be held in the City of Toronto on the first Wednesday in February, one thousand eight hundred and sixty, or the next following day or any other day to be appointed by By-law, and every subsequent annual general meeting shall be held on such day as may be appointed by By-law in every successive year thereafter; and at the said second and every subsequent annual general meeting the shareholders present as aforesaid, may, in addition to the election of six Directors in the place of those retiring by rotation, also elect from amongst the shareholders residing in England, three other Directors to form a permanent Board of management of the Company's affairs there.

English Directors to be elected.

6.

Election of President and Vice-President.

6. At the first meeting of the Board following each annual general meeting, the Directors present shall choose a President and Vice-President of the Company.

Extension of one year to five for holding land.

7. The Proviso at the end of the forty-second section of the said Act, that all real estate acquired by the said Company in virtue of the said Act except as therein mentioned, shall be sold and realized at public auction by the said Company at any period not later than one year from the acquisition of such real estate, shall be and the same is hereby altered and amended so as to extend the said period to the term of five years from the acquisition of such real estate.

Appointment of Treasurer.

8. So much of the forty-fourth section of the said Act as provides for the appointment of the Treasurer of the said Company by the shareholders in general meeting, shall be and the same is hereby altered and amended so as to vest the appointment of the said officer in the Board of Directors of the said Company.

Form of debenture amended.

9. So much of the form of debenture in Schedule E of the said Act, as provides for the payment of the principal sum named in such debenture at the Treasurer's office in Toronto, shall be and the same is hereby altered and amended so as to provide for the payment of the said sum either at the Treasurer's office in Toronto, or at the Company's Agent's in London.

Public Act.

10. This Act shall be deemed a Public Act.

CAP. CVI.

An Act to amend the Act for the Incorporation of the Saint Lawrence Warehouse, Dock and Wharfage Company.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is desirable to amend the Act passed in the twentieth year of Her Majesty's Reign, intituled, *An Act to incorporate certain persons under the name of the St. Lawrence Warehouse, Dock and Wharfage Company:* Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

20 V. c. 174.

Number of Directors may be changed.

1. Instead of the number of Directors, in whom the property and administration of the affairs of the said Company are vested by the said Act, being limited to five, the same may be increased to any number not exceeding seven; provided that before the meeting of Stockholders at which the election of Directors is intended to take place, the Directors then in office shall, by resolution, fix the number of Directors, (not less than five, and not exceeding seven) to be elected at such meeting; and the number

number so fixed and thereafter elected shall have all the powers, perform all the duties and be subject to all the liabilities which by the said Act attach to five Directors.

President, &c., may vote and give a casting vote also on a tie.

2. The President or presiding officer, at every meeting of the Directors of the said Company, shall have the same right to vote thereat as any other Director thereof; but in the event of a tie, he shall have a double or casting vote.

Company may charge any rate of commission and of interest on money hereafter becoming due to them.

3. Notwithstanding any thing contained in the said Act, or in any other Statute of this Province, it shall be lawful for the said Corporation to charge such rate of commission upon advances made by them, and such rate of interest upon moneys hereafter becoming due to them, as may be agreed upon between them and the person or persons indebted to, or receiving advances from them; and for such commission and interest, they shall have the same powers, privilege and lien which are, by the said Act, conferred upon them for the security of such indebtedness or advances.

Public Act.

4. This Act shall be deemed a Public Act.

CAP. CVII.

An Act to amend the Acts relating to the Guelph and Dundas Road Company.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS the Corporations of the Counties of Wellington and Wentworth, by their respective Councils, now are, pursuant to the Act of the Parliament of this Province, passed in the Session thereof held during the tenth and eleventh years of Her Majesty's reign, chapter eighty-eight, intituled, *An Act to incorporate certain persons as the Guelph and Dundas Road Company*, and of the other Act of the said Parliament passed in the Session thereof held during the thirteenth and fourteenth years of Her Majesty's reign, chapter one hundred and thirty-three, intituled, *An Act to amend the Act intituled, 'An Act to incorporate certain persons as the Guelph and Dundas Road Company,'* the holders of the whole of the shares of the capital stock of the said Company, and it is desirable to provide for a division of the ownership and control of the said road between them, and otherwise to amend the said Acts: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

10, 11 V. c. 88.

13, 14 V. c. 133.

The two Corporations may agree as to ownership of the Road.

1. It shall be lawful for the Corporations of the Counties of Wellington and Wentworth, by their respective Councils, to agree between themselves for the division of the ownership and control of the Guelph and Dundas Road between them, by assigning to each of the said Corporations the portion of the said Road lying within its respective County.

2.

Or if they cannot agree.

2. If they cannot so agree, it shall be lawful for either of them to obtain such division in manner following :

The division may be made by arbitration.

1. The terms thereof shall be settled by the award of three arbitrators, one to be appointed by each of the said Corporations, and the third by the other two, or if they cannot agree upon him, then by the Court of Chancery for Upper Canada or by any Judge thereof ;

Agreement or award to be binding.

2. Such agreement or award, or that of any two of such arbitrators, as the case may be, shall be binding on all parties concerned.

Parts of the Road may be transferred to Townships.

3. From and after such division, it shall be lawful for either of the Corporations of the said Counties to sell and transfer to any Municipal Corporation in such County the ownership and control of the portion of the said Road lying within such County respectively ;

Proviso.

Provided that if no Municipality in the County of Wentworth purchase the said Road within one year from the passing of this Act, it shall be lawful for the Municipal Council of the County of Wentworth to sell that portion of the Road lying within said County to any other corporate body or private individuals, as may be most conducive to the interests of the County.

Powers of Board of Commissioners to cease.

Exception.

4. From and after such division, the powers of the Board of Commissioners constituted under the second of the above cited Acts, shall cease and determine, except as regards the winding up of unfinished business, for which purpose they shall continue while necessary.

Their past Acts to be binding, &c.

5. The past acts, engagements and liabilities of the said Board shall be binding on their successors respectively, so far as regard the portions of the said Road held by such successors respectively.

Powers of each County Corporation after division.

6. From and after such division, the Corporation of each of the said Counties shall have the same powers over its respective portion of the said Road as are given in respect to the County Roads by the Municipal law of Upper Canada.

And of Townships after transfer.

7. From and after such transfer to any Municipal Corporation as aforesaid, such Corporation shall have the same powers over its respective portion of the said Road as are given in respect to Township Roads by the Municipal law of Upper Canada.

If a Road be transferred to a Company or an individual.

8. From and after such transfer by the County of Wentworth to any Road Company or individual, such Company or individual shall in regard to the portion of Road so transferred, possess the rights secured and be subject to the duties and liabilities imposed by the Act sixteenth Victoria chapter one hundred and ninety, and the Acts amending the same.

Public Act.

9. This Act shall be deemed a Public Act.

CAP.

CAP. CVIII.

An Act to incorporate the "Bridge Company of Rivière du Loup, in the County of Maskinongé," and to authorize the said Company to erect a Toll-bridge over the Grande Rivière du Loup.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS the construction of a toll-bridge, with a draw-bridge over the Grande Rivière du Loup, in the Parish of St. Antoine de la Rivière du Loup, in the County of Maskinongé, in the District of Three-Rivers, upon the line of the main street of the Village of the said parish, near the parish church, would greatly tend to promote the welfare and intercourse of the inhabitants of the said parish, and of the neighbouring parishes and townships, and of the public generally; And whereas Moïse Houde, Sueton A. Dame, Charles Martin, Pierre Béland, Edouard Caron, Léandre Lamothe, Louis Lamontagne, Narcisse Paillé, François Roy, Louis Bélanger, François Béliveau, Narcisse Beaulieu, Antoine Décoteau, Félix Ricard, Félix Laflèche, Louis Joseph Bourret, Ambroise Thetrault, Moïse Villeneuve, Antoine L. Augé, Louis Baribeau, J. B. Peltier, Désiré L. Augé, the Reverend J. Lebourdais, Priest, the Reverend J. Boucher, Priest, Antoine Arseneau, Charles L. Augé, Léon Terrien, Thomas Lamothe, Laurent Desaulniers, William Hastie, Pierre Bergeron, Maxime Picotte, Joseph Trépanier, Louis Cloutier, Hercule Gagnon, Abraham Caron, Hermine Leblanc, On. Lamontagne, Ludger Bellemare, Louis Benoit, François Lesage, Louis Caron, and Eugène Verboncœur, of the said Parish of St. Antoine de la Rivière du Loup, have, by a petition presented by them to the legislature, prayed to be incorporated by the name of the "Bridge Company of Rivière du Loup, in the County of Maskinongé," and to be authorized to construct a toll-bridge, with a draw-bridge over the said Grande Rivière du Loup, at the place above mentioned: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons incorporated.

1. The above mentioned persons, and their heirs, executors, curators, and assigns, together with all such other persons as are now or shall at any time hereafter become shareholders in the said bridge and toll-house and their appurtenances, and be associated with and members of the said Company, their heirs, executors, curators and assigns, shall be, and are hereby constituted and established, a body corporate and politic in fact and in name, by the name of the "Bridge Company of Rivière du Loup, in the County of Maskinongé;" and the said persons are hereby authorized to erect and construct, at their own cost and expense, a solid and sufficient toll-bridge, with a draw-bridge, over the said Grande Rivière du Loup, in the said

Corporate name and powers.

Parish of St. Antoine de la Rivière du Loup, at the place aforesaid, and to erect and construct a toll-house and toll-gate, with approaches and other dependencies to or upon the said bridge: and also to do and execute all such other matters and things as shall be necessary, useful, or advantageous for erecting and constructing, keeping up and maintaining the said intended bridge, draw-bridge, toll-house, toll-gate, approaches, and other dependencies, according to the true intent and meaning of this Act; and the service of all suits, copies, documents, and judicial proceedings, upon the President of the said Company, shall be held to be legal and sufficient service.

Capital of Company and number of shares.

2. The capital of the said Company for the construction and erection of the said bridge, draw-bridge, toll-house, toll-gate, accessories, and other dependencies, and also to defray the preliminary expenses incurred and hereafter to be incurred, shall be four thousand dollars, divided into one hundred and sixty parts or shares of twenty-five dollars each; Provided always, that it shall be lawful for the President and Directors of the Company to increase the capital of the said Company by the sum of three thousand dollars; and the said shares shall be deemed personal and moveable estate; and as such shall be transferable by sale or otherwise by the shareholders in the said Company; and any party acquiring one or more of the said shares shall, on the production of a copy of his deed of acquirement to the Secretary-Treasurer of the said Company, to be deposited and kept among the records of the said Company, be considered as a shareholder in the said Company, and shall enjoy all the privileges and advantages conferred upon and granted by this Act to the other shareholders in the said Company; Provided always, that no person who shall acquire one or more shares in the said Company from a Director thereof, shall thereby be entitled to be a Director in the said Company without having been elected or appointed as such, in the manner prescribed by this Act.

Proviso: for increase.

Proviso.

First general meeting of Shareholders.

3. The first general meeting of the shareholders in the said Company shall be held on the second Monday of December immediately after the passing of this Act, at ten o'clock in the forenoon, in a house in the Village of the said Parish of St. Antoine de la Rivière du Loup, to be designated for that purpose, of which meeting notice shall be given at the door of the church of the said Parish, by the President or Secretary-treasurer of the said Company, and the said notice shall be read and posted up at the door of the said church at least seven days before such meeting, and shall state the place, day and hour at which such meeting shall take place; at which meeting the shareholders present, and the absent shareholders by their proxies, appointed in writing, shall choose among the said shareholders five Directors to manage the affairs of the said Company, who shall only remain in office as Directors until the next annual general meeting of the said shareholders, and at the said meeting the shareholders present, and the absent shareholders

By-laws of the Company, &c.

shareholders by their proxies, may make and establish such by-laws, rules and regulations, as they shall deem expedient for the management and government of the affairs of the said Company, provided that they are not contrary to the laws of this Province, or to the provisions of this Act, and the said rules and regulations shall be entered in the minute-book of the said Company, and shall be as binding upon all the shareholders and all parties interested in the said Company as though they formed part of this Act, and shall be and remain in force until altered, amended, extended or repealed.

Present Directors to remain in office till first general meeting.

4. The present administrators of the affairs of the said Company, namely, the said Moïse Houde, Sueton A. Dame, Charles Martin, Pierre Béland, and Edouard Caron, shall be and they are hereby declared to be the Directors of the affairs of the said Company, but they shall only hold office till replaced by those chosen and elected at the first general meeting of the shareholders to be elected after the passing of this Act; and they shall have and exercise whilst so holding office, all and every the powers of the Directors to be chosen and elected at the said first general meeting, and they shall be subject to the duties, obligations, conditions and restrictions which are imposed upon their immediate successors by this Act; Provided always, that they may be chosen and elected Directors for the year following at the said first general meeting, and the said Directors hereinbefore named may make and establish such rules and regulations as they may deem necessary or useful for the management and government of the affairs of the said Company, provided that they are not contrary to the laws of this Province, nor to the provisions of this Act, and the said rules and regulations shall be entered in the minute book of the Directors of the said Company, and shall be binding so long as they remain in force, in the same manner as those to be made and established in virtue of the provisions of the third section of this Act, but they shall only remain in force until the first general meeting of the stockholders to be held after the passing of this Act; and the said Moïse Houde shall be and he is hereby declared to be President of the said Company, but he shall only hold office until the election of the Directors to be chosen and elected at the first general meeting of the shareholders to be held after the passing hereof.

Proviso.

Temporary regulations, &c.

Annual general meetings.

5. After the first meeting to be held as aforesaid, a general meeting of the shareholders in the said Company shall take place, at ten o'clock in the forenoon on the second Monday of December in every year, in a house in the village of the said Parish of St. Antoine de la Rivière du Loup to be designated for that purpose, to choose and elect other Directors in the place and stead of the Directors going out of office, and also to examine and transact the business of the said Company, and to modify, amend, alter, repeal, or extend the by-laws, rules and regulations of the said Company, or to substitute

 others

others in lieu thereof, as may appear to them advantageous, which said meeting shall be called and held in the same manner as the first meeting as prescribed by the third section of this Act; Provided always, that the Directors going out of office may be re-elected for the following year, and as soon as possible after each election of Directors had at the first general meeting of the shareholders and at all subsequent general or special meetings, the said Directors shall proceed to elect a President of the said Company, who shall be chosen among the Directors elected, and shall hold office until the said Directors are all replaced or re-elected.

Proviso.

President, election of.

Failure to hold meeting not to operate a dissolution of Company.

6. Any failure to hold the first general meeting or any other meeting of the shareholders, or to elect Directors, or to choose and appoint a President, shall not dissolve the said Company, but such failure and omission shall and may be supplied by and at any special meeting of the shareholders to be called as the Directors may see fit to appoint, in conformity with the by-laws of the said Company, if any exist on that subject, or with an order which they shall make and give to that effect, if such by-laws do not exist, or by six shareholders of the said Company, by a notice to be given at the door of the church in the said Parish of St. Antoine de la Rivière du Loup, by the President or the Secretary-treasurer or six of the said shareholders, read and posted up for the time and in the manner prescribed for the first general meeting by the third section of this Act, which said notice shall set forth the objects for which such special meeting is called, and until the election of new Directors those who shall hold office for the time being shall continue in office and shall exercise all the powers and fulfil all the duties thereof until the said new election shall have been held as hereinbefore prescribed.

Report to be made by Directors.

7. The Directors shall, at every general annual meeting of the shareholders, make a report in writing upon the condition of the said bridge, toll-house, toll-gate, accessories and other dependencies, or of the works in progress for their construction, before they are entirely completed, and containing any suggestions which they may think proper to offer, together with a detailed statement of the finances of the said Company, showing the receipts and expenditure and accompanied by vouchers, which said account shall, if the general meeting think proper, be submitted to one or three auditors, to be in such case appointed by the said meeting, to be examined and reported upon at a special meeting of the shareholders, to be called and held like any other special meeting of the said shareholders in the manner hereinafter prescribed, and, in default of an annual general meeting, such report and account and vouchers shall be presented at the special meeting of the shareholders to be held for the election of Directors, and the shareholders at such special meeting shall, if they think proper, appoint one or three auditors for the purposes above mentioned.

Its audit.

8.

Special meetings.

8. It shall be lawful for the Directors, by an order passed to that effect at any one of their meetings, or for six shareholders of the said Company, if they think necessary or expedient, to call special meetings of all the shareholders by notice given at the door of the parish church of the said parish of St. Antoine de la Rivière du Loup by the President or Secretary-Treasurer, or six of the said shareholders, read and posted up at the time and in the manner prescribed for the first general meeting by the third section of this Act, which said notice shall set forth the objects for which such special meeting is called.

Where they shall be held.

9. All the special meetings of the shareholders shall be held in a house in the village of the said parish of St. Antoine de la Rivière du Loup, which shall be designated in the notice, and all the general and special meetings of the shareholders shall be presided over by the President of the Company, and, in his absence, by a temporary President to be chosen by a majority of the votes present at such meeting, and the Secretary-Treasurer shall act as Secretary at all general or special meetings of the shareholders, and, in his absence, a temporary Secretary shall be appointed by the said meeting by the majority of votes thereat.

Scale of votes of Shareholders.

10. On all occasions upon which the votes of the shareholders are to be given or taken, each shareholder shall have as many votes as he holds shares in the capital stock of the said Company, counting one vote for each share; any shareholder may vote by proxy if he desires so to do, provided that his proxy be furnished with a written authority for that purpose, and that he is himself a shareholder in the said Company, and not otherwise, and every such authority shall be and remain deposited in the archives of the said Company; every question, election and appointment whatsoever, shall be decided by the majority of votes; and, in case of equal division, the President shall have a casting vote in addition to the votes which he may have and give as a shareholder.

Two Registers of Shareholders to be kept.

11. Two registers shall be kept, in one of which shall be recorded all the proceedings and deliberations of the general and special meetings, and in the other all the proceedings and deliberations of the meetings of the Directors of the said Company, and the *procès verbal* of each meeting shall be signed in the register by the person who shall have presided at such meeting, and also by the person who shall have acted as Secretary, and there shall also be kept another register in which shall be entered all the reports and accounts presented by the Directors at the general or special meetings of the shareholders, and each report and account so entered shall be certified and signed by the Secretary-Treasurer of the Company.

Secretary.

12. The Directors appointed or elected as aforesaid shall choose a Secretary, who shall at the same time be the Treasurer, but

but shall not be one of the Directors; and the said Directors shall require good and sufficient security from the said Secretary-Treasurer, whom it shall be lawful for them to remove at their will and pleasure, and the said Directors so appointed, three of whom shall form a quorum including the President, shall exercise all the powers vested in them, and fulfil all the duties imposed upon them by this Act and by the laws, rules, regulations and orders made, passed and given at the general or special meetings of the shareholders; Provided always, that no Director shall have more than one vote at the meetings of the said Directors, and in case of an equal division, the President shall have the casting vote.

Quorum of Directors.

Proviso: casting vote.

Place of meeting.

President.

13. All the meetings of the Directors shall be held at the place which they shall fix for that purpose, and they shall be presided over by the President of the said Company, and in his absence by a temporary President to be chosen from among the Directors present by a majority of votes; in the absence of the Secretary-Treasurer from any meeting of the Directors, a temporary Secretary shall be appointed in his place by a majority of the votes of the Directors present; but no Director shall be the temporary Secretary; The Directors may at their meetings make By-laws, rules and orders for fixing and regulating the periods and holding of their meetings, the manner in which the business shall be conducted thereat, and respecting the duties and conduct of the Secretary-Treasurer, of the temporary Secretary and of the agents, officers, keepers and servants of the Company, provided that they shall not be contrary to the laws of this Province nor to this Act, nor to the rules, by-laws and orders to be made, passed and given at the general and special meetings of the shareholders, which rules, by-laws and orders so by them made, they may change, amend, extend, modify or repeal, as they may think proper.

By-laws to be made by Directors.

Vacancies among Directors how filled.

14. The Directors shall have power to appoint at their meetings and by a majority of votes, Directors from among the shareholders in the place of those who have died or resigned their office, or become incapable of acting from sickness, infirmity, or any other cause whatsoever, and the Directors so appointed shall not remain longer in office than those whom they replace would have done; and if the President of the Company dies, resigns his office as Director or President, or becomes incapable of acting, the Directors shall choose another from among the Directors in the manner prescribed for the choice of a President by the fifth section of this Act, and the President so chosen shall only hold office so long as his predecessor would have done.

Duties of Secretary-Treasurer.

15. The Secretary-Treasurer shall be the depositary and keeper of all the registers, books, titles, papers, documents and archives of the said Company, and he shall be present at all general or special meetings of the shareholders, and at all meetings

meetings of the Directors,—make and prepare minutes of such meetings and enter them in the registers, and also all other papers and documents, reports and accounts which ought to be entered,—prepare all writings for the President and the Directors of the Company,—prepare, publish and issue all notices and certify the same, render obedience to the President and Directors and execute their orders and injunctions,—fulfil and execute all the duties required of him by this Act and by the rules, by-laws and orders which shall be made, passed and given at the general and special meetings of the shareholders and at those of the Directors, collect and receive all moneys due and payable to the said Company for and on account of the shares in the capital stock of the said Company, or for tolls or otherwise, keep the same or deposit it as he may be ordered or directed in the place or manner prescribed to him, make payments to those entitled thereto and as he may be directed and not otherwise, and render accounts of the moneys received, disbursed, and in hand, and of moneys due to the Company, in the manner and at the periods prescribed to him; and the President or any two Directors may, whenever they think proper, inspect and count the moneys in the hands of the said Secretary-Treasurer.

Payment of instalments.

16. It shall be lawful for the said Directors to meet at all times and at such meetings to direct such instalments to be paid on the shares as they shall require, in order to meet the expenses of the said Company; Provided that no such instalment shall exceed five dollars for each share, and provided also that no instalments shall be made payable within less than one month from each other; and no instalment shall be demanded unless eight days' notice thereof shall be given at the door of the church of the said parish of Saint Antoine de la Rivière du Loup, on a Sunday or Holy-day; and all such instalments shall be paid into the hands of the Secretary-Treasurer, at such times and places as shall be ordered by the said Directors, under the restrictions above mentioned, and if any of the said instalments shall not be paid at the time required for the payment thereof, it shall be lawful for the President of the said Company, in the name of said Company, to sue such shareholders as shall not have paid the amount of their instalments, before any court of competent jurisdiction, and to institute all such legal proceedings as shall be necessary to secure the payment of all sums due to the said Company; and the shares of all such shareholders as shall be sued and against whom judgment shall be recovered, shall be liable to seizure and sale for the satisfaction of the said judgments in the same manner as their other goods and chattels, and as in ordinary actions; Provided always, that in any action for the recovery of any instalment due, or of any balance due upon any instalment, it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is the holder of one or more shares in the stock of the said Company, (stating the number of shares,) and

Notice to be given.

Proviso: as to actions for their collection: what only need be alleged and proved.

and that he is indebted to the Company in the sum of money to which the instalments in arrear shall amount, (stating the number and amount of such instalments,) whereby an action hath accrued to the Company by virtue of this Act; and it shall be sufficient to maintain the said action, to prove by one witness that the defendant, at the time of making such call, was a holder to the number of shares mentioned in the declaration, and that a demand was made and notice thereof given, in conformity with the above mentioned requirements, or of any other By-laws which shall have been made for that purpose by the said Company; and it shall not be necessary to prove the appointment of the said Directors, nor of the Secretary-Treasurer, nor any other matter whatsoever, in order to obtain judgment in favor of the said Company.

Stock books to be opened.

17. There shall be opened, from time to time, a book of subscription for shares in the capital stock of the said Company, in which shall be inscribed the name, calling and residence of each stockholder, and the number of shares taken by each, and if such book already exists, and such shares have been taken before the passing of this Act, such book and such shares shall be considered and held to all intents and purposes whatsoever, as having been made and taken in conformity with the provisions of this Act, and shall be obligatory upon those concerned.

Transfer of shares.

18. The shares in the capital stock of the said Company shall be assignable by the delivery of the certificates to be issued to the proprietors of shares and by transfer in the form to be established by a By-law of the said Company, and by such assignment the party accepting it shall thenceforth become, with regard to such share or shares, a member of the said Corporation, with the same rights and privileges and subject to the same duties, charges and obligations as the other members or shareholders of the Company, but no such transfer shall be valid or effectual unless all the calls on the shares so transferred have been wholly paid, and unless such transfer has been approved and accepted by the Directors at one of their meetings, and every transfer so approved and accepted shall be entered in the subscription or stock book of the said Company, or in any other book kept for that purpose.

All calls must have been paid up.

Dividends.

19. The Directors shall declare and pay dividends whenever the revenues of the said Company permit thereof, upon such conditions, at the periods and in the manner established by the rules and By-laws of the Company, but no dividend shall be declared or paid before all the debts of the Company have been discharged.

Shareholders' liability limited.

20. No shareholder or member of the said Company shall be individually or personally responsible or liable for any debts, engagements or losses of the said Company beyond the amount of his shares of the stock of the said Company.

21.

21. It shall be the duty of the Directors to appoint as many agents, officers, keepers and servants as they shall deem expedient for the interests of the said Company, and to fix their salaries and remunerations, and also those of the Secretary-Treasurer, if they think proper to allow any to that officer, and to make all contracts and payments for the purposes of the said Company, and to do all other things necessary for the management and transaction of its affairs,—to answer in the name of the said Company in all suits at law,—to plead to the same,—to agree upon *experts* or arbitrators,—to transact, compromise, and generally to do whatever they may deem necessary or advantageous for the said Company; Provided that they shall not act contrary to the provisions of this Act nor to the rules, By-laws and orders of the said Company. Appointment of officers, servants, &c. Proviso.

22. It shall be the duty of any person who shall cease to be or to act as Secretary-Treasurer to the said Company, to deliver over without delay to the President thereof, all books, registers, papers, records, documents and other property which he may have in his possession, belonging to the said Company; and on his neglect or refusal to deliver over the same to the said President, he shall be liable to the said Company in the sum of twenty-five pounds currency, and for all damage which he may have caused, and shall be bound to deliver all the said books, registers, papers, records, documents and other property, and to pay the costs, for the recovery of which, together with the said sums, damages and costs, the President, in the name of the said Company, may sue by one and the same action, or by more than one if he thinks proper, before any Court of competent jurisdiction, and may cause the said books, registers, papers, records, documents, and other property to be at the same time seized by *saisie revendication*. Secretary-Treasurer retiring from office.

23. For the purpose of erecting and building the said bridge, toll-house, toll-gate, approaches, accessories, and other dependencies, and of opening an easy communication by means of the said bridge between the public highways passing on each side of the Grande Rivière du Loup, the said Company shall have full power and authority to take and acquire the lands necessary therefor on each side of the said river, paying to the proprietors the value thereof, which said value shall be established in the following manner: the Company and the proprietor of the land shall each appoint an *expert* in the ordinary manner, who shall not be an interested party, and upon failure by such proprietor to appoint one, the Mayor of the Parish of Ste. Anne d'Yamachiche, or of the Parish of La Pointe du Lac, in the County of St. Maurice, shall appoint one in his place who shall not be an interested party, and the said two *experts* in case of difference of opinion between them, shall appoint a third, who also shall not be an interested party; the *experts* and the third *expert* also, if such be appointed, shall make oath before a Justice of the Peace to discharge their duty faithfully Company may acquire lands, &c. Arbitration in case the Company and the owners of land cannot agree.

faithfully and impartially, and shall then forthwith proceed to make the said valuation and report thereon, by Act before Notaries or otherwise; the said Company shall then pay to the proprietor the amount of the said valuation, or tender the same to him, and may then, whether the amount have been accepted or refused, take possession of the land and convert it to the use of the Company without waiting for the transfer thereof to be made by the proprietor or otherwise; and the said Company may also from time to time, and when they shall require so to do, occupy any land or lands on either side of the said river, and make use thereof for carting, depositing, and working up materials and other things necessary for the erection, renewal, repair, and maintenance of the said bridge, toll-house, toll-gate, accessories, and other dependencies of the said bridge, causing as little damage as possible, and paying a just and reasonable compensation for the damage so caused and for the occupation of the said lands.

Elevation of arches of the bridge.

24. The elevation of the arches shall be fifteen feet or more above high water mark, with a space of not less than forty feet between the abutments and the piers and between the piers, if there are more than one, for the passage of vessels and rafts; and the passage of the draw-bridge shall not exceed sixteen feet in width, and shall be placed in the most convenient arch as regards the depth of water.

The bridge, &c., vested in Company for ever.

25. The said bridge and the said toll-house, toll-gate, and dependencies to be erected thereon, or near thereto, and also the ascents or approaches to the said bridge, and all materials of whatever description which shall be from time to time found or provided, for erecting, building, or maintaining and repairing the same, shall be vested in the said Company for ever;

Proviso: Her Majesty may assume the property, &c.

Provided that after the expiration of fifty years from the passing of this Act, it shall and may be lawful for Her Majesty, her heirs and successors, to assume the possession and property of the said bridge, toll-house, toll-gate, and dependencies, and the ascents and approaches thereto, upon paying to the said Company the full and entire value which the same shall, at the time of such assumption, bear and be worth;

Proviso: and so may the Municipality.

Provided always, that it shall be lawful for the Municipal Council of the said Parish of St. Antoine de la Rivière du Loup at any time to assume the possession and property of the said bridge, toll-house, toll-gate, accessories and other dependencies, and of the ascents and approaches to the said bridge, upon paying to the said Company the full and entire value which the same shall at the time of such assumption, bear and be worth,

Arbitration if the Company and the Municipality do not agree.

which said value shall be established by disinterested *experts*, one of whom shall be appointed by the said Municipal Council and another by the Company, and in case of difference of opinion between the said *experts*, they shall appoint a third, and the decision given by the majority shall establish the said value; but from the time of such assumption and thenceforth forever, the said bridge

bridge shall become and be a free bridge, and it shall not be lawful to exact any toll for crossing or passing the same; And the said bridge shall thenceforward be under the control of the said Municipal Council, who are hereby specially authorized, if they think proper, to raise the moneys required both for the purchase of the said bridge and its dependencies and for their maintenance and repair, and this, in accordance with the provision of the Municipal Act then in force in this Province; But before any such proceeding or By-law on the part of the said Municipal Council shall have force and effect, it shall be submitted for the approval of the Municipal Electors of the said Municipality, and be approved by the votes of the majority thereof. Proviso.

26. When and so soon as the said bridge shall be erected and built, and made fit and proper for the passage of travellers, carriages, horses and cattle, and the same shall have been published at the doors of the Church of the said Parish of St. Antoine de la Rivière du Loup, it shall be lawful for the said Company, from time to time and at all times, to ask, demand, receive, take, sue for and recover, to and for their own proper use, benefit and behoof, for pontage, as or in the name of a toll or duty, before any passing over the said bridge shall be permitted, the several sums following, that is to say: Tolls to be taken by the Company.

For every carriage or other four-wheeled vehicle drawn by two horses, six pence currency;

For every four-wheeled vehicle drawn by one horse, three pence currency;

For every cart, calèche, or other two-wheeled vehicle, and for every winter vehicle drawn by one horse, two pence currency;

For every additional beast of draught, one penny currency;

For every horse, ass or mule, with its rider, two pence currency;

For every horse, mare, stallion, ass or mule, ox, bull, cow, or other horned animal, one penny currency;

For every sheep, calf, lamb, goat or pig, one half penny currency;

For every person on foot, one half penny currency.

27. It shall be lawful for the Directors of the said Company whenever they think proper to do so, to take and receive commutation for the year, or for any shorter period, for passing and re-passing over the said bridge, at a fixed and total sum, to be Company may commute with any party for the tolls.

be agreed upon by them and each person so commuting for the whole period of the commutation; but if such Company makes Rules and By-laws in that respect, whether they prohibit such commutations or allow them, and fix the rate at which they may be effected, and the period and conditions thereof, then the Directors shall be bound to conform thereto.

Exemption from tolls in certain cases.

28. Provided also, that no person, horse or carriage, employed in conveying a mail or mails, or letters, documents or papers, under the authority of Her Majesty's Post Office, nor the horses or carriages, laden or unladen, and drivers, attending officers and soldiers of Her Majesty's Forces, or of the Militia whilst upon their march or on duty, nor the said officers or soldiers, nor any of them, nor carriages or drivers, guards or peace officers or their assistants sent with prisoners of any description, as well going as coming, provided they are not otherwise loaded, shall be chargeable with any toll or rate whatsoever, and shall not pay the same; Provided also, that it shall and may be lawful for the said Company to diminish the said tolls, or any of them and afterwards if they see fit, again to augment the same or any of them, so as not to exceed in any case the rates by this Act authorized to be taken; Provided also, that the said Company shall affix and keep affixed in some conspicuous and accessible place at or near the said Toll-gate, or upon the said bridge, a table of the rates payable for passing over the said Bridge, and as often as such rates shall be diminished or increased, they shall cause such change to be posted up in the manner aforesaid.

Proviso.

Proviso.

Tolls vested in the Company.

29. The said tolls shall be, and the same are hereby vested in the said Company forever; Provided that if Her Majesty shall, in the manner hereinbefore mentioned, after the expiration of fifty years from the passing of this Act, assume the possession and property of the said bridge, toll-house, toll-gate, and dependencies, and the ascents and approaches thereto, then the said tolls shall, from the time of such assumption, appertain and belong to Her Majesty, Her Heirs and Successors, who shall from thenceforward be substituted in the place and stead of the said Company for all and every the purposes of this Act.

Proviso: if Her Majesty assumes the property.

Company bound to open draw-bridge when required.

30. The said Company, their agents, toll collectors, keepers or others representing them, or having charge of the said bridge, shall be bound at all times, upon notice and verbal application to that effect, to open within a reasonable time, not exceeding one hour, the passage of the said draw-bridge, without being entitled to ask or exact any toll, money, fee or reward whatsoever, so as to allow and give free passage to each and every boat or vessel, or raft, having one or more masts, navigating the said Grand Rivière du Loup, under a penalty of not less than five or more than fifty shillings, currency, for each and every failure so to do, to be recovered from the said Company

or

or their agents, toll collectors, keepers or others representing them, or having such bridge in charge, who shall have made such default, with costs of suit by the person or persons who shall have suffered damage by such default, without prejudice to the damages which may have been caused by the neglect or delay to open the said passage, and for which the Company shall be responsible; Provided always, that the said Company, their agents, toll collectors, keepers or others representing the said Company, and having charge of the said bridge, shall not be bound to open the said passage or cause it to be opened for any boat, vessel or raft, the mast or masts of which are moveable and can be unshipped or lowered so as to enable them to pass under the said draw-bridge. Proviso.

31. If any person shall forcibly pass through the said toll-gate, or over or upon the said bridge without paying the requisite toll, or shall interrupt or disturb the said Company, or any person or persons employed by them in building, constructing, renewing or repairing the said bridge, toll-house, toll-gate, accessories or other dependencies, approaches, ascents, roads or avenues leading thereto, or shall interrupt or disturb the said Company or any person or persons employed by them in keeping the said bridge or appurtenances hereinbefore mentioned, or in demanding or collecting the tolls for passing or repassing thereon, or who shall at any time pass on the said bridge at a rate faster than a walk, or shall drive his horse, ass, mule, horned cattle or other animal at a rate faster than a walk, every person so offending shall incur in each of the cases above mentioned and for each offence, a fine of not less than ten shillings nor more than forty shillings currency, or shall be imprisoned in the common gaol of the district of Three-Rivers for a period not exceeding ten days. Penalty on persons passing without paying or disturbing the Company.

32. As soon as the bridge shall be passable and opened for the use of the public, no person or persons, Company or Companies whatsoever shall erect, or cause to be erected, any bridge or bridges, for the passage of any person, cattle or carriage whatsoever, for hire across the said Grande Rivière du Loup, within the distance of one and a half miles above and one and a half miles below the said bridge, measuring along the banks of the said river, and following its windings; and if any person or persons, Company or Companies, shall erect a toll-bridge or toll-bridges over the said river, within the said limits, they shall pay to the Company hereby incorporated, treble the tolls hereby imposed for the persons, cattle, horses and carriages which shall pass over such bridge or bridges; But this Act shall in no way affect the bridge now existing within the limits aforesaid, in so far as regards its existence, maintenance, repair or renewal as a free bridge. No new bridge to be erected within a certain distance. Exception.

33. If any person shall maliciously pull down, burn, destroy, break or injure the said bridge or any part thereof, or the toll-gate, Damage, &c., to bridge, how punished.

CAP. CXII.

An Act to incorporate the *Ramsay Lead Mining and Smelting Company.*

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS the several persons hereinafter named, have by their Petition represented that they have associated themselves together with divers others, for the purpose of exploring for, and working Mines of Lead and other ores, at Ramsay, in the County of Lanark, Canada West, and elsewhere, by articles of agreement entered into at the City of Montreal, and have raised by subscription the capital necessary effectually to begin their operations, but that they experience great difficulties in carrying out the objects for which they are associated without an Act incorporating them, with the powers hereinafter mentioned, and have prayed that such Act may be passed: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons incorporated.

1. David Torrance, Theodore Hart, Henry Chapman, Thomas Kay and Edmund H. Parsons, the present Trustees of the Association mentioned in the preamble to this Act, and their successors, and such and so many other persons or parties as have become or shall become Shareholders in the Capital Stock hereinafter mentioned, shall be and they are hereby constituted a body politic and corporate, in fact and in name, by the

Corporate name and powers.

name of the "Ramsay Lead Mining and Smelting Company," and by that name shall and may sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts of Law or Equity whatsoever, and shall have uninterrupted succession with a common Seal, which may by them be changed or varied at their pleasure.

Capital stock and shares.

2. The Capital Stock of the said Corporation shall be fifty thousand pounds, and the same hereby is divided into fifty thousand shares of the value of one pound each.

Liability of Shareholders limited.

3. No shareholder in the said Corporation shall be in any manner whatsoever liable for or charged with the payment of any debt or demand due by the said Corporation, beyond the amount of his, her or their subscribed share or shares in the Capital Stock of the said Corporation.

Calls on holders of stock not to exceed 15s. per share.

4. And whereas the instalments already paid or called in upon the Stock already issued are equal to five shillings currency per share: Therefore, the calls to be hereafter made on the holders of the said stock shall not exceed in the whole sum fifteen shillings per share, and the same shall be paid by instalments when and in such manner as shall be prescribed by the Directors hereinafter mentioned; Provided also, that nothing herein

and the overplus, after such penalties and the charges of such distress and sale are deducted, shall be returned to the offender, and such penalties shall belong to those who shall have sued for the same, and shall be paid to them.

Interpretation.

26. The words "by-laws of the Company," or "rules and by-laws of the Company," or "rules, by-laws or orders of the Company," or "by-laws," or "rules and by-laws," or "rules, by-laws or orders made by the Company," shall be taken to mean the rules, by-laws or orders made or passed at general or special meetings of the shareholders of the said Company, and the rules and by-laws made and passed by the directors of the said Company, in virtue of the fourth section of this Act.

Public Act.

27. This Act shall be deemed a Public Act.

CAP. CIX.

An Act to amend the Act incorporating the Cobourg Manufacturing Company, and to increase the Capital Stock thereof.

[*Assented to 4th May*, 1859.]

Preamble.

9 V. c. 94.

WHEREAS the persons incorporated as the Cobourg Manufacturing Company, by the Act passed in the ninth year of Her Majesty's reign, chapter ninety-four, have failed to carry the same into effect, and Patrick Wallace, John S. Wallace, Lewis Moffat, John D. Armour and Henry Mackechnie, have by their petition prayed that the said Act may be revived and amended, and the capital stock of the said Company increased, and that they may be permitted to carry the said Act so amended into effect, and it is expedient to grant the prayer of such petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Petitioners and their associates to form the said Company.

1. The first section of the said recited Act is amended, so that the said Patrick Wallace, John S. Wallace, Lewis Moffat, John D. Armour, Henry Mackechnie and such other person or persons as shall be associated with them, under the provisions of the said Act or of this Act, and their several and respective successors, executors, trustees, administrators and assigns, shall hereafter form the said "Cobourg Manufacturing Company," as therein provided.

Company may invest part of their funds in real estate.

2. The third section of the said Act is hereby amended so far as to permit the said Company to invest so much of their Capital as they may deem expedient for the transaction of their business and for the purposes of the said Company, in real estate;

estate; provided always that no such real estate shall be held by the said Company, otherwise than for the conduct of the manufacturing operations of the same thereon.

Capital increased and shares reduced.

3. The fourth section of the said Act is hereby amended by increasing the capital stock of the said Company to two hundred and fifty thousand dollars and reducing the shares to twenty-five dollars each.

Reduction of shares.

4. The fifth section of the said Act is hereby amended so far as regards the subscription of shares, which are by this Act reduced to twenty-five dollars each.

Non-liability of Directors.

5. The fourteenth section of the said Act is hereby amended, so that the liability thereby imposed on the Directors of the said Company (except in the case of their own neglect or default) shall not exceed double the amount of their subscribed stock therein.

Number of Directors reduced.

6. The sixteenth section of the said Act is hereby amended, so that the number of Directors shall be five instead of seven, as therein provided.

When the business may be commenced.

7. The nineteenth section of the said Act is hereby amended so that so soon as fifty thousand dollars of the said stock have been subscribed and one half thereof has been paid up, the said Act and this Act shall take effect.

The said Act revived.

8. The said Act as hereby amended is revived and shall be in full force and effect, as if herein repeated and re-enacted.

Public Act.

9. This Act shall be deemed a public Act.

CAP. CX.

An Act to incorporate the Collingwood Cotton Manufacturing Company.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS John Lyall, William Basil Hamilton and Charles Macdonald, have, by their petition, prayed for a Charter of Incorporation by the name of *The Collingwood Cotton Manufacturing Company*, for the Spinning and Manufacturing of Cotton and Cotton goods, at the Town of Collingwood, in the County of Simcoe, and it is desirable to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Company incorporated.

1. The persons aforesaid, and all such other persons as shall become Shareholders in the said Company, shall be and are hereby constituted a body politic and corporate under

under the name of the "Collingwood Cotton Manufacturing Company," and shall by that name have perpetual succession and a Common Seal, and by the same be capable of suing and being sued in all Courts of Justice in this Province, and shall by that name be authorized and empowered to carry on the business of Spinning and Manufacturing Cotton and Cotton fabrics in all or any of its branches, and to establish and carry on works for such spinning and manufacturing, or either of them, and shall for such purpose be authorized to purchase, hold and use such land and such water-power as may be necessary for properly carrying on such business, and also to erect and maintain the necessary buildings, machinery and apparatus therefor. Corporate name and purposes for which the Company is incorporated.

2. The Capital Stock of the Company incorporated by this Act shall not exceed the sum of two hundred thousand dollars, unless increased in the manner hereinafter provided, and shall be composed of shares of forty dollars each; but it shall be lawful for the Company to commence business and exercise any of the powers given by this Act as soon as the sum of sixty thousand dollars of the Stock of the Company shall have been paid in; and any shares remaining unsubscribed for at the time of the first election of Directors shall be disposed of thereafter in such manner as the Stockholders shall at any general meeting determine; Provided always, that the whole of such Capital Stock of two hundred thousand dollars shall be paid in within five years from the time of such commencing of business, on pain of forfeiture of the Charter of the Company. Capital. Shares. When the Company may begin business. Proviso: the whole stock to be paid in five years.

3. It shall be lawful for the said Company to lay out and invest their capital in the first place, in paying and discharging all expenses incurred in applying for and obtaining this Act, and the preliminary expenses attending the establishment of the said Company, and the remainder, or so much thereof as may from time to time be deemed necessary, for and towards carrying out the objects of this undertaking, as hereinbefore mentioned. Application of the capital.

4. The said John Lyall, William Basil Hamilton and Charles Macdonald, together with John McMurrich, Thomas Dick and Frederick W. Cumberland, shall be and are hereby constituted and appointed the first Directors of the said Company, and shall hold their office until others shall, under the provisions of this Act, be elected by the Shareholders, and shall, until that time, constitute the Board of Directors of the said Company, with power to open Stock Books and make calls on the shares subscribed in such Books, and shall call a meeting of subscribers for the election of Directors in the manner hereinafter provided. First Directors appointed.

5. The said Directors are hereby authorized to take all necessary measures for opening the Stock Books for the subscription of parties desirous of becoming Shareholders in the said Company, They shall open stock books, receive

subscriptions and allot shares.

Company, and to determine and allot to parties subscribing for Stock in the said Company the number of shares (if any) that parties so subscribing may have and hold in the Capital Stock aforesaid; and the said Directors shall cause an entry to be made in the records of their proceedings and in the Stockholders' Book of the Stock so allotted and assigned to parties subscribing as aforesaid; and the Secretary of the said Company shall notify the respective parties in writing of such allocation and assignment; and upon such entries being made the rights and liabilities of such Shareholders shall accrue in respect of his, her or their particular interest in the said Company.

Directors, and annual election of Directors.

6. The stock, property and concerns of the said Company shall be managed by a Board of seven Directors, who shall respectively be Stockholders in the said Company, and who shall be annually elected by the Stockholders on the *first* day of May, in each year, or such other day as may, by any By-law of the Directors, be from time to time fixed; and notice of the time and place of holding such election shall be published not less than ten days previous thereto, in one of the newspapers published in the City of Toronto, and in the County of Simcoe, and the election shall be made by such of the Stockholders as shall attend for that purpose either in person or by proxy; and if such election shall not be held on the day so appointed, it shall be the duty of the Directors *to* cause such election to be held within thirty days after the day so appointed, when such election shall take place, at a time and place to be notified by the Directors in one of the newspapers published in the said City and in one published in the said County, at which such election shall be made in manner hereinbefore appointed; and all acts of Directors of the said Company shall be valid and binding as against the said Company until their successors shall be elected; And it shall be the duty of the Directors to submit to such annual meeting of the Stockholders a report stating the amount of the Capital of the said Company, and the proportion thereof actually paid in, and the amount of the existing debts of the Company, which report shall be signed by the Chairman or President and a majority of Directors of the said Company.

Notice of meeting for election.

Annual report of Directors.

Voting and votes.

Vacancies among Directors.

7. All elections of Directors shall be by ballot, and each Stockholder shall be entitled to as many votes as he owns shares of stock in the said Company; and the persons receiving the greatest number of votes shall be Directors, and when any vacancy shall happen amongst the Directors by death, resignation or otherwise, it shall be filled for the remainder of the year in such manner as may be provided by the By-laws of the Company.

President and Officers.

8. The said Company shall have a Chairman or President, who shall be elected by the Directors from among themselves, and also such subordinate officers as the Company by its By-laws

By-laws may require, who may be elected or appointed, and required to give such security for the faithful performance of the duties of their respective offices as the Company by its By-laws may provide.

Directors may make calls.

9. It shall be lawful for the Directors of the said Company to call in and demand from the Stockholders thereof respectively, all sums of money by them subscribed, at such time and in such payments or instalments as such Directors shall deem proper; And if any Stockholder or Stockholders shall, after notice of such call or demand shall have been personally served, or after notice thereof shall have been published for six successive weeks in any of the newspapers published in the City of Toronto, and in the County of Simcoe, refuse or neglect to pay to the said Directors or the Secretary of the said Company, the amount of such call upon the share or shares held by him, then such share or shares shall or may, at the option of the said Directors, become forfeited to the Company, together with the amount or amounts paid thereon; and such forfeited share or shares may be disposed of as the Directors for the time being may think fit, in any manner whatsoever for the benefit of the Company, or the same may become vested in, and for the benefit of, the said Company, as the Directors may determine, or the amount of such call may be sued for and recovered by the Company, as hereinafter provided.

May forfeit shares for non-payment;

And dispose of them.

What only need be alleged and proved in suits for calls.

10. In any action or suit to recover any money due upon any call, it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the Defendant is the holder of one share or more, (stating the number of shares,) and is indebted to the Company in the sum of money to which the calls in arrear shall amount, in respect of one call or more upon one share or more, (stating the number and amount of each of such calls,) whereby an action hath accrued to the said Company; and on the trial it shall only be necessary to prove that the Defendant was owner of certain shares, and the call or calls thereon, and the notice required by this Act, and no other fact or thing whatsoever.

Directors may make By-laws for certain purposes.

11. The Directors of the said Company shall have power from time to time to make such By-laws as they shall deem proper for the determination of the number and quorum of Directors,—for the management and disposition of the stock and business affairs of the said Company,—for the appointment of officers, and for prescribing their powers and duties and those of all artificers and servants, that may be employed for carrying on all kinds of business within the objects and purposes of the said Company,—for making contracts relating thereto, and for carrying into effect all of the powers vested in the Company by this Act, and to amend or repeal any such By-laws and make others in their stead; and any copy of such By-laws or any of them purporting to be under the hand of the Clerk,

Secretary, or other officer of the said Company, and having the Corporate Seal of the said Company affixed to it, shall be received as *primâ facie* evidence of such By-law or By-laws in all Courts of Law or Equity in this Province; the said Company may purchase and sell all materials and things required for carrying on the business aforesaid, and manufactured by the Company, and may appoint agents within and without the Province, for such purchase and sale; and the said Company may become parties to Bills of Exchange or Promissory Notes without affixing their Corporate Seal to the same; Provided they shall be signed, made, accepted or endorsed in such manner as shall be prescribed by the By-laws of the Company.

Promissory notes and bills.

Stock to be personalty, and how transferable.

12. The stock of the said Company shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the By-laws of the Company; but no share shall be transferable until all previous calls thereon shall have been fully paid in, or it shall have been declared forfeited for the non-payment of calls thereon; and it shall not be lawful for the said Company to use any of its funds in the purchase of any stock in any other Company.

Liability of Shareholders limited.

13. No Shareholder in the said Corporation shall be in any manner liable to be charged with the payment of any debt or demand due by the said Corporation beyond the amount of his or her subscribed share or shares in the Capital Stock of said Corporation.

Provision for increase of capital, if necessary.

14. Provided that if the said sum of fifty thousand pounds shall be found insufficient for the purposes of this Act, it shall and may be lawful, by a vote representing two-thirds of the Capital Stock aforesaid, at any general meeting to be called for that purpose, to increase the capital stock aforesaid either by the addition of new subscribers to the said undertaking or otherwise, to a sum not exceeding in all the sum of seventy-five thousand pounds; and the capital so to be raised shall be in all respects part of the capital stock of the said Company, and every holder of the new stock shall be a member thereof.

Act to be void if the Company be not organized, &c., within a certain time.

15. In case the said Company shall not be *bonâ fide* organized within two years after the passing of this Act, by the subscription of the whole Capital and the payment of sixty thousand dollars, this Act shall be null and void.

Public Act.

16. This Act shall be deemed a Public Act.

CAP. CXI.

An Act to incorporate the Canada Slate Company.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is desirable to encourage the manufacture of Slate in this Province, and the several persons hereinafter named have, by their petition, represented that they have formed an Association for the purpose of working Slate Quarries, in the Townships of Kingsey and Shipton, in Lower Canada, but that they are unable effectually to carry out their operations for that purpose, without an Act incorporating them, with the powers hereinafter mentioned, and have prayed that such an Act be passed: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons, &c., incorporated.

1. Charles J. Dunlop, James H. Springle, Alexander Francis Dunlop, George Bowie, Charles Dunlop, Angus McIntosh and such others as have or may become stockholders in the capital stock hereinafter mentioned, shall be and are hereby constituted a body corporate and politic, in fact and in name, by the name of "The Canada Slate Company," and by that name shall and may sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts of Law or Equity whatsoever, and shall have uninterrupted succession with a common seal, which may be by them changed and varied at their pleasure:

Corporate name and general powers.

Capital.

Increase of capital.

2. The capital stock of the said Company shall be fifty thousand dollars, divided into five hundred shares, of one hundred dollars each; Provided always, that the said capital stock may be increased to one hundred thousand dollars, as hereinafter provided.

Liability of Shareholders limited.

3. No shareholder in the said Corporation shall be individually liable for or charged with the payment of any debt or demand due by the said Corporation, beyond the unpaid amount of his, her or their subscribed share or shares in the capital stock of the said Corporation.

Real property of the Company.

4. It shall be lawful for the said Corporation to have and hold such lands and immoveable or real property as may be necessary for carrying on the business of the said Corporation, the same to be acquired by purchase by the said Corporation; and it shall be lawful for the said Corporation at any time to sell, lease and otherwise dispose of the said property and estate as they see fit.

Business of the Company.

5. It shall be lawful for the said Corporation to engage in and follow on such lands and property as they may hereafter acquire in the Townships of Kingsey and Shipton, in Lower Canada,

Canada, the occupation and business of quarrying and manufacturing slate, and disposing of the same for the benefit of the said Corporation, and to do all things necessary for the purposes aforesaid, not inconsistent with the rights of other parties;

Proviso. Provided always, that nothing in this Act shall be construed to give the said Company the right to enter into or take or use in any way the lands of any person except with the consent of such person.

Provision for increasing the capital.

6. If the said capital sum of fifty thousand dollars be found insufficient for the purposes of this Act, then, in such case it shall be lawful for the members of the said Corporation, by a vote of two-thirds in number of the shareholders, representing not less than one half of the stock therein, to increase the said capital to one hundred thousand dollars in the whole; and the subscribers to the said increased capital stock shall be liable to all the obligations, and shall be participants in all the privileges of the original stockholders, as if the same had formed part or portion of the original capital of the said Corporation.

Shares to be personalty, &c.

7. The shares shall be personal property, and may be sold and transferred in such way as the Directors shall from time to time direct.

Directors, and their qualification.

8. The business of the said Corporation shall be conducted and its powers exercised by five Directors, who shall be severally stockholders therein, to the amount of one thousand dollars of the said stock, and who shall be elected by the shareholders in manner hereinafter described.

First election of Directors.

9. The first election of Directors shall take place within three months after the passing of this Act, at a meeting to be called by the petitioners, at the office of the Corporation, in the City of Montreal, after public notice, ten days before the said day of meeting, in any newspaper published in the City of Montreal; and the election shall then and there be made by a majority of the shares voted upon, and the Directors so chosen shall continue in office until the next annual meeting succeeding their election, and in case of any vacancy among them occurring in the interval before the first general meeting, or between two succeeding annual meetings, the same shall be filled by the other Directors, by appointing a qualified stockholder.

Vacancies among the Directors.

Annual general meetings.

10. The annual general meeting of the stockholders for the election of Directors, and for the transaction of such other business as may then be brought before them, shall be held on the second Monday of January in each year, at the office of the Company in Montreal.

Failure of meeting provided against.

11. On failure to hold the annual meeting on the day appointed, or to elect Directors thereat on the said day, the meeting may

may be held and Directors elected on any other day, not later than thirty days from the regular day of meeting, and until the election of new Directors the old Directors shall remain in office.

Special meetings. **12.** The Directors may call special meetings at any time, in the manner to be provided for by the by-laws of the said Corporation, and may make and repeal all needful by-laws, rules and regulations for the well ordering of the Company, the management and disposal of its stock, property, estate and effects, and of its affairs and business generally, and may do all things whatever that may be requisite or necessary to carry out the objects of the Corporation, in the exercise of the powers incident to the said Corporation, by virtue of this Act.

By-laws.

General powers.

Copies of By-laws. **13.** A copy of the by-laws, or of any one or more of them, sealed with the seal of the Corporation, and signed by the Secretary, or by one or more of the Directors, shall be *primâ facie* evidence in all Courts of such by-laws, and that the same were duly made and are in force; and in any action or proceeding between the Corporation and any shareholder or any other person, it shall not be necessary to prove the seal; and all documents purporting to be sealed with the said seal, shall be held and taken to have been duly sealed.

Proof of corporate seal not required.

One vote for each share. **14.** Each stockholder shall be entitled to a number of votes equal to the number of his shares, at all times of voting.

Majority to decide. **15.** Except as herein otherwise provided for, all matters at any general, special or other meeting of the Company, or at any meeting of the Directors, shall be determined by the majority of the votes of the Shareholders or the Directors, as the case may be, present at such meeting, either in person or by proxy; and in case of an equality of votes, the chairman of such meeting shall have a casting vote; and a majority of the whole number of Directors shall form a quorum for the transaction of business, and a majority of such quorum shall decide.

Casting vote.

Quorum of Directors.

Liability of Shareholders until their shares are paid up. **16.** Each stockholder of the said Corporation shall be severally and individually liable to the creditors thereof, to an amount equal to the amount of stock held by him, for all debts and contracts made by such Corporation, until the whole amount of the stock held by such stockholder be paid in.

Ten per cent. to be paid before the Company can avail itself of this Act. **17.** The privileges conferred by this Act shall not be acquired by the said Corporation, until at least twenty-five per cent. of the capital stock has been actually paid into the hands of the Treasurer of the Company.

Public Act. **18.** This Act shall be deemed a Public Act.

CAP.

Head office.

1. From and after the passing of this Act, the head office of the said Company shall be located in the Town of Brantford.

Qualification of Directors.

2. Notwithstanding anything to the contrary in the Act incorporating the said Company, no person shall be qualified to be elected a Director of the said Company, who shall not be insured therein to the amount of twelve hundred dollars.

Section 15 of 19, 20 V. c. 125, repealed.

Amount of Mutual Insurance in each case limited.

3. The fifteenth section of the Act passed in the Session held in the nineteenth and twentieth years of Her Majesty's Reign, intituled, *An Act to incorporate the British Farmers' Union Insurance Company*, is hereby repealed and the following substituted in lieu thereof: "Provided always that in all cases of mutual insurance, there shall not be insured more than two thirds of the value of any building, nor shall a sum be insured exceeding two thousand dollars on any one risk."

Meetings; certain notices not required.

4. The Board of Directors shall hold their meetings at least once a month, or oftener if the business of the Company requires it; and it shall not hereafter be necessary that in the notices of the annual meetings for the election of Directors the names of the retiring Directors should be inserted.

Inconsistent provisions of 19, 20 V. c. 125, repealed.

5. All provisions of the Act lastly above mentioned, which are inconsistent with the provisions of this Act, shall be and they are hereby repealed.

Public Act.

6. This Act shall be deemed a Public Act.

CAP. CXV.

An Act to incorporate certain persons therein mentioned under the name of the *Metropolitan Fire Insurance Company.*

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS John James Day, Luther H. Holton, Thomas M. Taylor, Robert Anderson, John Dougall, Edwin Atwater, John Redpath and Henry Lyman, have, by their petition in that behalf, prayed to be incorporated for the purpose of carrying on the business of Insurance against loss by Fire within this Province; And whereas it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons incorporated.

1. The said John James Day, Luther H. Holton, Thomas M. Taylor, Robert Anderson, John Dougall, Edwin Atwater, John Redpath and Henry Lyman, and their several and respective heirs, executors, curators, administrators, successors and assigns, shall be and are hereby ordained, constituted and declared

declared to be a Corporation, body corporate and politic, by the name of the *Metropolitan Fire Insurance Company*, for the purpose of carrying on the business of Assurance against loss by fire in this Province, and shall so continue and have perpetual succession; and shall and may, by the said name, be capable in law to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in all Courts and places whatsoever; and shall also be able and capable in law to purchase, acquire, hold, and enjoy, and retain to them and their successors, lands and tenements, real or immoveable estate, for the convenient conduct and managing of the business of the said Corporation, and for no other purpose; and may sell, alienate and dispose of such lands, tenements, real or immoveable estate, and purchase others in their stead for the same purpose; and may also take and hold any real estate or securities *bond fide* mortgaged or pledged to the said Corporation, either to secure the payment of the share capital stock thereof, or to secure the payment of any debt which may be contracted with the said Corporation; and may also proceed on the said mortgages and other securities for the recovery of the moneys thereby secured, either at law or in equity, or otherwise, in the same manner as any other mortgagee is or shall be authorized to do; Provided always, that it shall not be lawful for the said Corporation to deal, or use, or employ any part of the stock, funds, or moneys thereof, in buying and selling any goods, wares and merchandise, or in traffic, trade, or commerce of any kind, otherwise than as hereinbefore specified and permitted; but nothing herein contained shall extend to prevent the said Corporation from investing in bank stocks or public securities in this Province, the amount of capital stock paid in, or such portion thereof as it shall be deemed advisable by the Directors so to invest; and the said Corporation may have a common seal, and may change and alter the same at their pleasure; and may also, from time to time, at any general meeting of the stockholders, and by a majority of the votes given at such meeting, ordain, establish and put in execution, by-laws, ordinances and regulations, (the same not being contrary to the present Act, or to any laws in force in this Province,) as may appear to them necessary or expedient for the management of the said Corporation, and may from time to time alter and repeal the same or any of them; and may, by such majority as aforesaid, elect and choose such number of Directors and such other officers, and vest in them such powers as to such majority shall seem meet and right for the purposes aforesaid; and such by-laws, ordinances and regulations shall be made by the Directors, and shall be submitted to the stockholders of the said Corporation for their approval and confirmation, at a general meeting called for that purpose, to be held in the manner hereinafter mentioned, or at any general annual meeting; and the said Corporation shall and may do and execute, in the manner aforesaid, all and singular the matters and things touching the management of

Corporate name and general powers.

Real property limited.

Mortgages, &c.

Proviso: not to deal in goods, &c.

May invest in certain stocks, &c.

Common seal.

By-laws.

Directors and Officers.

By-laws to be submitted to Stockholders.

General powers.

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the business of the said Corporation, which to them shall or may appertain to do, subject nevertheless to the rules, regulations, stipulations and provisions herein prescribed and established.

Capital. Shares.

2. The capital stock of the said Fire Insurance Company hereby incorporated and established, shall not be less than the sum of two hundred thousand dollars, divided into two thousand shares of one hundred dollars each.

Increase of capital. 25 per cent. to be paid down.

3. Provided, however, that it shall be in the power of a majority of the stockholders of the said Corporation present at a general meeting called for that purpose, to increase the capital stock of the said Corporation from time to time, until it shall consist of one million dollars, divided into shares of one hundred dollars each; and it shall be the duty of the Directors to exact payment of not less than twenty-five per cent. on all shares that may be subscribed for in any increase to the capital stock of the Company, within one year from the date of such subscription.

Provisional Directors. Subscription books.

4. The said John James Day, Luther H. Holton, Thomas M. Taylor, Robert Anderson, John Dougall, Edwin Atwater, John Redpath and Henry Lyman shall act as Provisional Directors, and shall, within sixty days of the passing of *this* Act, open a book for the subscription of shares in the capital stock of the said Corporation, of which public notice shall be given in at least two newspapers published in the City of Montreal.

First meeting of Stockholders and election of Directors.

5. Whenever one thousand shares shall have been subscribed in the said Corporation, the Provisional Directors, or any five of them, shall call a meeting of the subscribers for the organization of the said Corporation and the election of Directors, of which meeting notice shall be given at least eight days before the day of such meeting in at least two newspapers published in the City of Montreal.

Qualification of Directors.

6. No stockholder shall be eligible as a Director unless he be the proprietor of at least twenty shares in the stock of the said Corporation.

Proportion of votes to shares.

7. The number of votes to which each stockholder shall be entitled, on every occasion when, in conformity to the provisions of this Act, votes of members of the said Corporation are to be given, shall be one vote for each share.

Annual general meetings.

8. A general meeting of the stockholders of the said Corporation shall be held on the third Tuesday of the month of January in each year, and failing such meeting on the day so appointed, then it shall be held on the subsequent Tuesday.

9. The Directors shall at their first meeting after each general annual meeting of the stockholders, elect a President and Vice-President from among themselves; they may also from time to time appoint a manager, and such other officers as may be necessary to carry out the objects of the said Corporation. President to be elected, and other Officers

10. The said Corporation shall not commence or carry on the said business of insuring against loss by fire, or issue any policy of insurance, until a sum equal to at least fifty thousand dollars shall be paid up, and deposited in one of the Chartered Banks of the Province, and shall be in the hands and at the disposal of the said Corporation, nor shall any policy of insurance be at any time opened or renewed after the expiration of one year from the time the said Corporation shall have commenced business, unless a sum of at least one hundred thousand dollars shall then have been paid up; nor shall any Policy of Insurance be at any time opened or renewed by the said Corporation, unless a sum equal to at least ten per cent on their capital stock then subscribed for, after paying all lawful demands on them, shall be then paid up, and in their hands and at their disposal as aforesaid; and for each and every offence against the provisions of this section, the said Corporation shall be liable to a judicial forfeiture of their corporate capacity, rights and privileges, according to law. When the Corporation may commence business, &c. Penalty for contravention.

11. The stockholders in the said Corporation shall not in any manner whatsoever be liable for more than the amount of stock for which they shall respectively have subscribed their names. Liability of Stockholders limited.

12. The Governor or either branch of the Provincial Parliament may, from time to time, require from the said Corporation, or of any of the officers thereof, lists of the names of all the stockholders, with a statement of the number of shares in the stock of the said Corporation held by each of the said stockholders, and an account of the assets and liabilities of the said Corporation, mentioning the amount then paid up, and in the hands and at the disposal of the said Corporation, with such other details as may be demanded; and every wilful false declaration made in such statement shall be considered a misdemeanor, and shall subject the party or parties making such false declaration, to the same penalties as if they had made it under oath. Returns to the Legislature, &c. False statements, how punishable.

13. This Act shall be deemed a Public Act. Public Act.

CAP.

Three to form a Quorum. the affairs of the said Corporation; and any three Directors shall form a quorum of the Board, and any majority of such quorum may exercise all the powers of the Directors: Provided always, that unless at a meeting of a majority of the Directors, no by-law, rule, resolution or regulation for raising money or disposing of the real estate of the Corporation, shall be finally passed, unless confirmed at the next meeting of the Directors, to take place upon due notice given; Provided also, that no Director shall have more than one vote at any meeting of Directors, except the President or Chairman for the time being, who shall, in case of an equal division have the casting vote although he may have given one vote before; and whenever any vacancy shall happen among the Directors by death, resignation, or removal out of the Province, such vacancy shall be filled up until the next general meeting of the shareholders, in such manner as may be prescribed by any by-law of the Corporation; and the Directors shall have full power to dispose of such part of the stock of the said Corporation as may remain to be disposed of, or as may from time to time be added to or fall into the general mass either by forfeiture or otherwise, on such terms and conditions and to such parties as they think most likely to promote the interest of the said Corporation; and they shall also have full power to make such calls for money from the several shareholders for the time being, as is hereinbefore provided for, and to sue for, recover and get in all such calls, whether already made or hereafter to be made, and to cause and declare the said shares to be forfeited to the said Corporation in case of non-payment, on such terms and in such way as they shall see fit to prescribe by any by-law: and in any action to be brought to recover any money due on any call, it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is a holder of one share or more in the said stock (stating the number of shares) and is indebted to the Corporation in the sum to which the calls in arrear shall amount (stating the number and amount of such calls,) whereby an action hath accrued to the Corporation by virtue of this Act: and it shall be sufficient to maintain such action, to prove by any one witness, that the defendant at the time of making such call was a Shareholder in the number of shares alleged, and that the calls sued for were made and notice thereof given, in conformity with the By-laws of the said Corporation, and it shall not be necessary to prove the appointment of the Directors, nor any other matter whatsoever;—the said Directors shall and may use and affix or cause to be used and affixed the common seal of the said Corporation to any documents which in their judgment may require the same, and any act or deed bearing such seal, and signed by the President (or by any two Directors) and countersigned by the Secretary, shall be held to be the act or deed of the Corporation;—they may appoint such and so many agents, officers and servants of the said Corporation under them as to the said Directors may seem meet, and may

Proviso.

Proviso.

Directors may dispose of remaining stock of Corporation.

Calls.

Proceedings in actions or calls.

Deeds of the Corporation.

fix

fix the salaries and remuneration of such officers, agents and servants;—may make any payments and enter into any contracts for the execution of the purposes of the said Corporation, and for all other matters necessary for the transaction of its affairs;—may generally deal with, treat, purchase, lease, sell, mortgage, let, release, and dispose of and exercise all acts of ownership over the lands, tenements, property and effects of the said Corporation;—may institute and defend in the name of the said Corporation all suits at law;—may from time to time displace the officers, agents and servants of the said Corporation, except as hereafter provided; and they shall and may have power to do all things whatsoever which may be necessary or requisite to carry out the objects of the Corporation, and to vest the present property and funds of the said Association in the Corporation hereby erected:—they shall declare dividends of the profits of the said Corporation, when and as often as the state of the funds thereof may permit;—may appoint when special meetings of the Shareholders shall be held, and determine on the mode of giving notice thereof, and of the manner in which the Shareholders may call or require such special meetings to be called;—they shall have power to carry into force and effect all and every the provisions and stipulations contained in the articles of agreement in the first section of this Act referred to, with respect to the appropriation and allotment, whether conditional or otherwise, of the Stock of the said Company, and also with respect to all other matters and things in the said articles of agreement provided for, not inconsistent with this Act; and they shall have power to make By-laws for the government and control of the officers and servants of the said Corporation;—they shall also have power to make and frame all other By-laws, rules and regulations for the management of the business of the said Corporation in all its particulars and details, whether hereinbefore specially enumerated or not, and the same also at any time to alter, change, modify and repeal; which said By-laws, rules and regulations shall be submitted for approval, rejection, or alteration by the stockholders at the next general meeting, or at a special meeting to be called by the said Directors; and when, and as so ratified and confirmed, shall be put into writing, and duly recorded in the minutes of the said Corporation, and be binding upon, and observed and taken notice of by all members of the said Corporation; and any copy of the said By-laws, or any of them purporting to be under the hand of the clerk, secretary, or other officer of the said Company, and having the seal of the Corporation affixed to it, shall be received as *primâ facie* evidence of such By-law in all Courts in this Province; Provided always, that the stockholders may, at any general or special meeting, appoint such salary or compensation to the President and Directors respectively as to them shall seem reasonable and proper.

May appoint agents and officers, &c.

Management of property.

General powers.

Shall declare dividends.

And appoint meetings of Corporation.

May make By-laws.

Proof of By-laws.

Proviso: as to remuneration of Directors.

When and where the first meeting shall be held.

14. The first general meeting of the shareholders of the said Corporation shall be held at the office of the said Corporation in the City of Montreal, (at which place the said Corporation shall have its principal place of business,) on the second Tuesday in May, one thousand eight hundred and fifty-nine; and at such time and place, and on the like day in every year thereafter, the said shareholders shall elect five fit and qualified persons to be Directors of the said Company in the place and stead of the five who shall retire; and until such first election, and until they shall respectively retire as aforesaid, the Trustees of the Association aforesaid, to wit: The said David Torrance, Theodore Hart, Thomas Kay, Henry Chapman and E. H. Parsons, and the survivors or survivor of them shall be, and are hereby declared to be, and constituted Directors of the said Corporation; and the said David Torrance shall, until such day, be the President of the said Corporation; and they shall have and exercise all and every the powers, and shall be subject to all and every the clauses, conditions, liability, and restrictions imposed on the Directors to be chosen under this Act; Provided always, that in all actions or suits, or other legal proceedings to be brought against the said Corporation, it shall be lawful and sufficient for the plaintiff or complainant, or any other party, to cause process to be served at the office of the said Corporation in the City of Montreal, or personally upon the President, or on any one of the Directors, or on the Secretary of said Corporation, at any other place: And provided that at the first meeting of the Directors to be elected as aforesaid to be holden after the passing of this Act, the said Directors shall choose and elect from among themselves some one to be President, and also some one to be Vice-President of the said Corporation.

Certain persons appointed first Directors.

David Torrance appointed first President.

Proviso: as to service of process.

Election of President and Vice-President.

Retirement of Directors.

15. At the first general meeting of the shareholders, and at the annual general meeting in each year thereafter, the Directors thereof shall retire from office, but shall be eligible for re-election; and the Directors, immediately after the election at each annual meeting, shall choose one of their own number to be President.

Failure to hold meeting not to operate dissolution of Corporation.

16. The failure to hold the said first general meeting, or any other meeting, or to elect such Directors or President, shall not dissolve the said Corporation; but such failure or omission shall and may be supplied by and at any special meeting to be called as the Directors, in conformity with the By-laws of the said Corporation, may see fit to appoint; and, until such election of new Directors, those who may be in office for the time being shall be and continue in office, and exercise all the rights and powers thereof until such new election be made, as hereinbefore provided.

Interpretation clause.

17. The word "Lands" in this Act shall include all lands, tenements and hereditaments, and real or immovable property

property whatsoever; and all words importing the singular number or the masculine gender only shall extend to more than one person, party or thing, and to females as well as males, and the word "Shareholder" shall include the heirs, executors, administrators, curators, legatees or assigns of such Shareholder, or any other party having the legal possession of any share whether in his own name or that of any other, unless the context shall be inconsistent with such construction; and whenever power is by this Act given to do any thing, power shall be intended also to do all things, which may be necessary to the doing of such thing; and generally all words and clauses herein shall receive such liberal and fair construction as will best ensure the carrying into effect of this Act according to its true intent and spirit.

When the Company may commence business.

18. It shall not be lawful for the said Corporation to commence or proceed with their operations under this Act, unless they shall have first paid up the sum of ten per cent. on the amount of their capital stock.

Rights of Her Majesty saved.

19. Nothing in this Act contained shall in any manner derogate from or affect the rights of Her Majesty, Her Heirs or Successors, or of any person or persons, body politic or corporate, excepting so far as the same may be specially derogated from or affected by the provisions of this Act.

Public Act.

20. This Act shall be deemed a Public Act.

SCHEDULE A.

FORM OF PROXY.

Form of proxy.

I, A. B., of , hereby appoint C. D., of , to be my proxy, and to vote and act for me as such at all Meetings of the Shareholders of the *Ramsay Lead Mining and Smelting Company*, and in my name to do all things with regard to the business of the said Company, which I may, by law, do by Proxy.

Witness, my hand, this day of , eighteen hundred and .

A. B.

SCHEDULE B.

FORM OF TRANSFER.

I, A. B., for value received, do hereby bargain, sell and transfer to C. D., share (*or* shares) of the Stock of the *Ramsay Lead Mining and Smelting Company*, to hold to him the said C. D., his heirs, executors, curators, administrators and assigns,

assigns, subject to the same rules and orders, and on the same conditions that I held the same immediately before the execution hereof. And I, the said C. D., do hereby agree and accept of the said share (*or* shares), subject to the same rules, orders and conditions.

Witness, our hands and seals, this day of in the year .

A. B.
C. D.

CAP. CXIII.

An Act to amend the Act incorporating the Canada Powder Company.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS the Canada Powder Company have, by their petition, represented that doubts have been raised as to their power to become parties to promissory notes and bills of exchange, which they are constantly required to make, draw and endorse, the same being taken by them in the ordinary course of their business, and have prayed for amendments to their Act of Incorporation, to remove such doubts, and for other purposes, and it is expedient to grant the prayer of their petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Company may become parties to promissory notes.

1. The Company has and shall have power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory notes made or endorsed, and any such bills of exchange drawn, accepted, or endorsed for the Company by the President or one of the Directors of the Company, and also by the Secretary, shall be binding upon the Company; and every such promissory note or bill of exchange shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the Company, until the contrary be shown, and shall, under any circumstances, be binding upon the Company, in the hands of a *bonâ fide* holder thereof, for value; and in no case shall it be necessary to have the seal of the Company affixed thereto; nor shall the President, Director or Secretary be thereby subjected individually to any liability whatever; Provided always, that nothing in this section shall be construed to authorize the Company to issue any note payable to bearer, or any promissory note intended to be circulated as money, or to give the Company any banking power.

Proviso: Against Banking.

Company may pay or receive

2. The Company may, in addition to the power granted by the twelfth section of their Act of Incorporation, bind themselves

to

to pay, or contract to receive, a rate of interest not exceeding ten per cent. per annum. ten per cent. interest.

3. It shall be lawful for the Directors of the Company at any time after the whole of the shares subscribed for and remaining unforfeited shall have been lawfully paid up, by a resolution to that effect, to reduce the amounts of the shares of the Company, to the sum of five hundred dollars each; Provided always, that no such resolution shall have force or effect until after its adoption by three fifths in value of the shareholders present at a meeting of the shareholders specially convened for that purpose, and from and after such adoption, each shareholder of one share of one thousand dollars, shall be entitled to ask, demand and receive from the Company, scrip certificates for two shares of five hundred dollars each, and so in proportion, and the original scrip shall, from the time of such adoption, cease to be valid as binding on the Company, and shall be delivered up to be cancelled. Shares when all paid up, may be reduced to $500 each. Proviso: how such reduction may be effected.

4. The annual general meeting of the Company shall, from and after the passing of this Act, be held on the first Monday in February in each year, in place of the second Monday in January as provided by the said Act; but a failure to make such election on such day shall not operate as a dissolution of the Company, but the same may be subsequently held, as provided for in the said Act. Day of annual general meetings changed.

5. No transfer of any share shall be valid until entered in the books of the Company, according to such form as the Directors may from time to time appoint; and until the full amount of the shares subscribed for shall have been paid up, it shall be necessary to obtain the consent of the Directors to such transfer being made; Provided always, that no stockholder indebted to the Company shall be permitted to make a transfer or receive a dividend until such debt be paid or secured to be paid to the satisfaction of the Directors. Transfer of shares not valid until entered on the books of the Company, &c.

6. This Act shall be deemed a Public Act. Public Act.

CAP. CXIV.

An Act to amend the Act of Incorporation of the British Farmers' Union Insurance Company.

[*Assented to 4th May*, 1859.]

WHEREAS the British Farmers' Union Insurance Company have by their petition prayed for certain additions and amendments to their Act of incorporation, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

Head office.

1. From and after the passing of this Act, the head office of the said Company shall be located in the Town of Brantford.

Qualification of Directors.

2. Notwithstanding anything to the contrary in the Act incorporating the said Company, no person shall be qualified to be elected a Director of the said Company, who shall not be insured therein to the amount of twelve hundred dollars.

Section 15 of 19, 20 V. c. 125, repealed.

3. The fifteenth section of the Act passed in the Session held in the nineteenth and twentieth years of Her Majesty's Reign, intituled, *An Act to incorporate the British Farmers' Union Insurance Company*, is hereby repealed and the following substituted in lieu thereof: "Provided always that in all cases of mutual insurance, there shall not be insured more than two thirds of the value of any building, nor shall a sum be insured exceeding two thousand dollars on any one risk."

Amount of Mutual Insurance in each case limited.

Meetings; certain notices not required.

4. The Board of Directors shall hold their meetings at least once a month, or oftener if the business of the Company requires it; and it shall not hereafter be necessary that in the notices of the annual meetings for the election of Directors the names of the retiring Directors should be inserted.

Inconsistent provisions of 19, 20 V. c. 125, repealed.

5. All provisions of the Act lastly above mentioned, which are inconsistent with the provisions of this Act, shall be and they are hereby repealed.

Public Act.

6. This Act shall be deemed a Public Act.

CAP. CXV.

An Act to incorporate certain persons therein mentioned under the name of the *Metropolitan Fire Insurance Company.*

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS John James Day, Luther H. Holton, Thomas M. Taylor, Robert Anderson, John Dougall, Edwin Atwater, John Redpath and Henry Lyman, have, by their petition in that behalf, prayed to be incorporated for the purpose of carrying on the business of Insurance against loss by Fire within this Province; And whereas it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons incorporated.

1. The said John James Day, Luther H. Holton, Thomas M. Taylor, Robert Anderson, John Dougall, Edwin Atwater, John Redpath and Henry Lyman, and their several and respective heirs, executors, curators, administrators, successors and assigns, shall be and are hereby ordained, constituted and declared

declared to be a Corporation, body corporate and politic, by the name of the *Metropolitan Fire Insurance Company*, for the purpose of carrying on the business of Assurance against loss by fire in this Province, and shall so continue and have perpetual succession; and shall and may, by the said name, be capable in law to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in all Courts and places whatsoever; and shall also be able and capable in law to purchase, acquire, hold, and enjoy, and retain to them and their successors, lands and tenements, real or immoveable estate, for the convenient conduct and managing of the business of the said Corporation, and for no other purpose; and may sell, alienate and dispose of such lands, tenements, real or immoveable estate, and purchase others in their stead for the same purpose; and may also take and hold any real estate or securities *bonâ fide* mortgaged or pledged to the said Corporation, either to secure the payment of the share capital stock thereof, or to secure the payment of any debt which may be contracted with the said Corporation; and may also proceed on the said mortgages and other securities for the recovery of the moneys thereby secured, either at law or in equity, or otherwise, in the same manner as any other mortgagee is or shall be authorized to do; Provided always, that it shall not be lawful for the said Corporation to deal, or use, or employ any part of the stock, funds, or moneys thereof, in buying and selling any goods, wares and merchandise, or in traffic, trade, or commerce of any kind, otherwise than as hereinbefore specified and permitted; but nothing herein contained shall extend to prevent the said Corporation from investing in bank stocks or public securities in this Province, the amount of capital stock paid in, or such portion thereof as it shall be deemed advisable by the Directors so to invest; and the said Corporation may have a common seal, and may change and alter the same at their pleasure; and may also, from time to time, at any general meeting of the stockholders, and by a majority of the votes given at such meeting, ordain, establish and put in execution, by-laws, ordinances and regulations, (the same not being contrary to the present Act, or to any laws in force in this Province,) as may appear to them necessary or expedient for the management of the said Corporation, and may from time to time alter and repeal the same or any of them; and may, by such majority as aforesaid, elect and choose such number of Directors and such other officers, and vest in them such powers as to such majority shall seem meet and right for the purposes aforesaid; and such by-laws, ordinances and regulations shall be made by the Directors, and shall be submitted to the stockholders of the said Corporation for their approval and confirmation, at a general meeting called for that purpose, to be held in the manner hereinafter mentioned, or at any general annual meeting; and the said Corporation shall and may do and execute, in the manner aforesaid, all and singular the matters and things touching the management of

Corporate name and general powers.

Real property limited.

Mortgages, &c.

Proviso: not to deal in goods, &c.

May invest in certain stocks, &c.

Common seal.

By-laws.

Directors and Officers.

By-laws to be submitted to Stockholders.

General powers.

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the business of the said Corporation, which to them shall or may appertain to do, subject nevertheless to the rules, regulations, stipulations and provisions herein prescribed and established.

Capital. Shares.

2. The capital stock of the said Fire Insurance Company, hereby incorporated and established, shall not be less than the sum of two hundred thousand dollars, divided into two thousand shares of one hundred dollars each.

Increase of capital. 25 per cent. to be paid down.

3. Provided, however, that it shall be in the power of a majority of the stockholders of the said Corporation present at a general meeting called for that purpose, to increase the capital stock of the said Corporation from time to time, until it shall consist of one million dollars, divided into shares of one hundred dollars each; and it shall be the duty of the Directors to exact payment of not less than twenty-five per cent. on all shares that may be subscribed for in any increase to the capital stock of the Company, within one year from the date of such subscription.

Provisional Directors. Subscription books.

4. The said John James Day, Luther H. Holton, Thomas M. Taylor, Robert Anderson, John Dougall, Edwin Atwater, John Redpath and Henry Lyman shall act as Provisional Directors, and shall, within sixty days of the passing of this Act, open a book for the subscription of shares in the capital stock of the said Corporation, of which public notice shall be given in at least two newspapers published in the City of Montreal.

First meeting of Stockholders and election of Directors.

5. Whenever one thousand shares shall have been subscribed in the said Corporation, the Provisional Directors, or any five of them, shall call a meeting of the subscribers for the organization of the said Corporation and the election of Directors, of which meeting notice shall be given at least eight days before the day of such meeting in at least two newspapers published in the City of Montreal.

Qualification of Directors.

6. No stockholder shall be eligible as a Director unless he be the proprietor of at least twenty shares in the stock of the said Corporation.

Proportion of votes to shares.

7. The number of votes to which each stockholder shall be entitled, on every occasion when, in conformity to the provisions of this Act, votes of members of the said Corporation are to be given, shall be one vote for each share.

Annual general meetings.

8. A general meeting of the stockholders of the said Corporation shall be held on the third Tuesday of the month of January in each year, and failing such meeting on the day so appointed, then it shall be held on the subsequent Tuesday.

9. The Directors shall at their first meeting after each general annual meeting of the stockholders, elect a President and Vice-President from among themselves; they may also from time to time appoint a manager, and such other officers as may be necessary to carry out the objects of the said Corporation. President to be elected, and other Officers

10. The said Corporation shall not commence or carry on the said business of insuring against loss by fire, or issue any policy of insurance, until a sum equal to at least fifty thousand dollars shall be paid up, and deposited in one of the Chartered Banks of the Province, and shall be in the hands and at the disposal of the said Corporation, nor shall any policy of insurance be at any time opened or renewed after the expiration of one year from the time the said Corporation shall have commenced business, unless a sum of at least one hundred thousand dollars shall then have been paid up; nor shall any Policy of Insurance be at any time opened or renewed by the said Corporation, unless a sum equal to at least ten per cent on their capital stock then subscribed for, after paying all lawful demands on them, shall be then paid up, and in their hands and at their disposal as aforesaid; and for each and every offence against the provisions of this section, the said Corporation shall be liable to a judicial forfeiture of their corporate capacity, rights and privileges, according to law. When the Corporation may commence business, &c. Penalty for contravention.

11. The stockholders in the said Corporation shall not in any manner whatsoever be liable for more than the amount of stock for which they shall respectively have subscribed their names. Liability of Stockholders limited.

12. The Governor or either branch of the Provincial Parliament may, from time to time, require from the said Corporation, or of any of the officers thereof, lists of the names of all the stockholders, with a statement of the number of shares in the stock of the said Corporation held by each of the said stockholders, and an account of the assets and liabilities of the said Corporation, mentioning the amount then paid up, and in the hands and at the disposal of the said Corporation, with such other details as may be demanded; and every wilful false declaration made in such statement shall be considered a misdemeanor, and shall subject the party or parties making such false declaration, to the same penalties as if they had made it under oath. Returns to the Legislature, &c. False statements, how punishable.

13. This Act shall be deemed a Public Act. Public Act.

CAP.

CAP. CXVI.

An Act to amend the Charter of the Society of the Montreal General Hospital.

[*Assented to 4th May*, 1859.]

Preamble.

Charter of 30th January, 1823.

WHEREAS the Society of the Montreal General Hospital, by their Petition to the Legislature, have set forth, that on the thirtieth day of January, in the year of our Lord, one thousand eight hundred and twenty-three, they were duly constituted a body politic and corporate, under and by virtue of certain Letters Patent of His late Majesty King George the Fourth, duly issued on that day at the Castle of St. Lewis, in the City of Quebec, under the great seal of the then Province of Lower Canada, and have ever since acted, and still act as such thereunder; that certain of the provisions of the said Letters Patent, more especially in reference to the qualification of the members of the said corporation,—its powers in respect of the holding and alienating of property,—the number, choice and qualification of the Governors thereof, the quorum of Governors for the transaction of business, and the extent of their powers of administration, are found in practice to be highly inconvenient; and that they therefore pray for amendment of their said Charter; And whereas it is expedient to grant their said prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Who shall be Members of the Corporation.

1. The present Governors of the said Hospital, and all other persons who, during the year to expire on the first Tuesday of May, in the year one thousand eight hundred and fifty-nine, shall have contributed to its funds five dollars or more, are hereby declared to be members of the said Corporation; and hereafter, all persons who, during the current or last expired financial year thereof, shall have contributed to its funds five dollars or more, shall be such members thereof; Provided always, that no person shall be entitled to vote as such member, who shall not have actually paid up such contribution for the then current financial year.

What real estate the Corporation may acquire and hold.

2. The said Corporation may acquire and hold, by any legal title whatsoever, real estate of a yearly value not exceeding four thousand dollars, as by the said Charter allowed, besides what they may require for the actual occupation of their Hospital; and they may acquire any other real estate, or interest therein, by gift, devise or bequest if made six months or upwards before the death of the party making the same, and may hold the same for a period of not more than five years; but the same, or any part thereof, or interest therein, which may not within the said period have been alienated, shall revert to the

party

party from whom the same was acquired, his heirs or other representatives.

Who shall be life Governors.

3. The present life Governors of the said Hospital shall continue so to be, subject only to the condition of their continuing to contribute to its funds the yearly sum of twelve dollars or more, as heretofore,— but may be declared by vote of the Board of Governors to have ceased so to be, if at any time two years in arrear for such contribution; and any other persons who shall have contributed by donation to its funds one hundred dollars or more, may be constituted such life Governors by vote of the said Board, subject to the like condition of contributing such yearly sum of twelve dollars or more,—and may, in like manner, be declared by vote of the said Board to have ceased so to be, if at any time two years in arrear for such further contribution.

Elected Governors,—number, qualification, period of service, &c.

4. The present elected Governors of the said Hospital shall also continue so to be until the time of the next annual election of Governors, to be held under the said charter after the passing of this Act, and shall severally be eligible for re-election thereat, if otherwise qualified; and at such next annual election there shall be chosen by the members of the Corporation qualified to vote, such number of elected Governors not exceeding six as may be deemed expedient, to serve for the term of one year and until their successors shall be elected, and a like further number to serve for the term of two years and until their successors shall be elected; and at every annual election thereafter, a like number of not more than six elected Governors shall in like manner be chosen for the like term of two years and until their successors shall be elected to supply the place of those retiring, who, however, shall always be eligible for re-election, if otherwise qualified; and all persons, donors of forty dollars or more, if also contributors of eight dollars or more yearly, to the Funds of the said Hospital, and also all contributors of twelve dollars or more yearly, to its funds, shall be held qualified for election as such Governors.

Vacancies among elected Governors.

5. In case of the death, resignation or disqualification of any elected Governor, it shall be in the discretion of the Board of Governors to name another qualified member of the said Corporation, to serve in his stead for the unexpired remainder of the term for which he was elected.

President and Vice-President, election of, term of office, &c.

6. There shall continue to be elected by the Board of Governors, from among themselves, as soon as conveniently may be after each annual election of Governors, a President and Vice-President of the said Corporation, who shall have such powers and discharge such duties as by By-law in that behalf may be ordained, and shall serve for the term of one year and until their successors shall be elected; and in case of the death, resignation or disqualification of such President or Vice-President,

Vacancies in the office.

President, the said Board as soon as conveniently may be thereafter, shall elect another of themselves to serve as such for the unexpired remainder of his term of office; and the said Board may further, as occasion shall require, appoint all such other officers, and employ all such servants of every grade, of the said Corporation, on such terms, in respect of duty, emolument and otherwise, as by By-law in that behalf may be ordained, and may remove all such other officers and all such servants, in their discretion, subject only to such restrictions as by By-law in that behalf may be ordained.

Officers and Servants of the Corporation.

Board of Governors to administer the affairs of the Corporation.

7. The said Board of Governors shall in all other respects have full power to administer the affairs of the said Corporation, subject only to such restrictions as its By-laws may ordain; and in particular, may sell or in any other way dispose of any estate, real or personal, of the said Corporation, as they may deem advisable for the interests of the said Corporation; Provided always, that all moneys from time to time to be received by them on account of purchase money of any real estate by them alienated or to be alienated, or on account of the capital of any ground rent, or otherwise than by way of contribution not made for investment, shall be dealt with as capital only, and not as income, and shall be promptly invested either in buildings or other real estate for the occupation of the said Hospital, or in productive real estate, or upon security thereof, or in public securities of the Province.

Proviso: as to investment of proceeds of property sold.

President, &c., need not take an oath of office.

8. So much of the said Charter as provides that every President, Vice-President, Governor, Treasurer and Secretary of the said Corporation shall take an oath of office, is hereby repealed.

Quorum of Governors.

9. The Quorum of the Board of Governors for the transaction of all business is hereby reduced to five; and the presence of the President or Vice-President shall not be necessary to constitute such Quorum.

Present By-laws continued.

10. The present By-laws of the said Corporation, in so far as they may not be contrary to any provision of the said Charter as hereby amended, or to law, shall remain in force until duly repealed or amended.

Board of Governors may make By-laws for certain purposes, and may repeal or amend them.

11. The said Board of Governors shall have power hereafter to provide by By-law, from time to time, for any changes which may be deemed expedient as to the time prescribed by the said Charter for holding the annual meetings of the said Corporation, or as to the notice thereby required to be given for such meetings, or as to the rule of voting at such meetings thereby prescribed, or as to the mode therein indicated for the summoning of meetings of the said Board of Governors, as also for any lowering of the qualification hereinbefore set forth of elected Governors, which may be deemed expedient, or for the

the requiring of any larger Quorum of the said Board of Governors than is hereinbefore set forth, whether for transaction of business generally, or of any particular descriptions of business, as may be deemed expedient, and generally for all other matters and things whatsoever appertaining to the affairs of the said Corporation; and they may repeal or amend all such By-laws; Provided always, that no By-law, and no repeal or amendment of any By-law, shall take effect until after approval thereof by vote of the members of the said Corporation, at an annual or special meeting of the Corporation duly called. Proviso.

12. The said Corporation shall at all times when thereunto required by the Governor or by either branch of the Legislature, make a full return of its property, real and personal, and of its receipts and expenditure, for such period and with such details and other information, as the Governor or either branch of the Legislature may require. Corporation to make returns to the Legislature.

13. This Act shall be deemed a Public Act. Public Act.

CAP. CXVII.

An Act to amend the Charter of the Canadian Literary Institute of Woodstock.

[*Assented to 4th May*, 1859.]

WHEREAS the Canadian Literary Institute of Woodstock have prayed to be empowered to raise a certain sum of money, not exceeding four thousand dollars, on the property held by the Corporation, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. It shall be lawful for the said Corporation to raise by way of loan, for the purposes of the said Corporation, any sum of money not exceeding four thousand dollars, for the purpose of completing their buildings, and for securing the re-payment of the said sum to grant a mortgage on the property of the said Corporation, by deed under the corporate seal thereof; any thing in the Act incorporating the said Company to the contrary notwithstanding. The said Corporation created by 20 V. c. 217, may raise money by mortgage of its property.

2. The mortgagee shall not be bound to see to the application of the money. Application of money so raised

3. This Act shall be deemed a Public Act. Public A

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CAP. CXVIII.

An Act to amend the Act incorporating the Natural History Society at Montreal.

[*Assented to 4th May*, 1859.]

Preamble. WHEREAS the Natural History Society of Montreal have represented, by their petition to the Legislature, that inconveniences have arisen from certain provisions of the Act of the Parliament of Lower Canada, Second William the Fourth, chapter sixty-five, which incorporates the said Society, and have prayed that the said Act be amended, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Act of L. C. 2 W. 4, c. 65.

Sect. 11 repealed. 1. The eleventh section of the said Act is hereby repealed.

Quorums for different purposes. 2. Notwithstanding any thing in the said Act contained, the quorum of seven members required at any ordinary meeting for the transaction of the usual business thereof, shall be a competent quorum for the election of any ordinary members of the said Society; and a quorum of twelve members at any such meeting shall be a competent quorum for the election of any corresponding or honorary members of such Society.

Amount of personal property to be unlimited. 3. Notwithstanding any thing in the said Act contained, the said Society shall be capable of holding personal estate, without limit as to the value or income thereof; and also of acquiring, by gift, devise or bequest, if made at least six months before the death of the party making the same, any real estate or any interest therein, beyond the limit prescribed by the said Act, and of holding the same for a period of not more than five years, and the same, or any portion thereof, or interest therein, which may not within the said period have been alienated, shall revert to the party from whom the same was acquired, his heirs, or other representatives.

Real property.

Power to make By-laws for certain purposes. 4. The said Society shall have power and authority to make and enforce such by-laws, rules and regulations for the admission of the public to the use of their Library and the inspection of their Museum, at such hours and upon such terms of admission, by payment of fees or otherwise, and subject to such restrictions as to them shall seem meet, and the same from time to time to vary, alter or amend, as shall be found necessary or expedient.

Public Act. 5. This Act shall be deemed a Public Act.

CAP. CXIX.

An Act to incorporate *La Société Historique de Montréal.*

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS Messrs. H. A. Verreau, R. Bellemare, J. U. Beaudry, L. A. H. Latour, George Baby and others, have associated themselves for the purpose of collecting and publishing documents relative to the History of Canada, and have petitioned for an Act to incorporate them to carry out the said object: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Incorporation, and corporate name and powers.

1. The said H. A. Verreau, R. Bellemare, J. U. Beaudry, L. A. H. Latour, George Baby and such others as are now members of the said Association, together with such other as shall hereafter become members thereof, according to the provisions of this Act and the rules of the said Association, shall be and they are hereby declared to be a body corporate and politic, in name and in fact, by the name of *La Société Historique de Montréal*, and all corporate rights and powers which by law or by any Act are vested in bodies corporate generally, shall vest in such Corporation, as if the same had been specially mentioned in this Act.

Real property.

2. The said Corporation shall have power to acquire and hold real property to the extent of four thousand dollars, and no more, for its own use and for the objects legitimately connected with their aforesaid purpose and no other.

By-laws and Officers.

3. The By-laws and regulations of the said Association in so far as they are not inconsistent with this Act, shall be the By-laws and regulations of the said Corporation until repealed or altered in the manner hereinafter provided, and the officers of the said Association shall be the officers of the Corporation hereby created until others are appointed or elected in their stead according to the By-laws of the Corporation.

How the affairs of the Society shall be managed.

4. The affairs of the said Corporation shall be managed by the majority of the *quorum* thereof, as fixed, from time to time, by the members thereof, who shall elect from among themselves a President, a Vice-President, a Treasurer, a Librarian and a Secretary, who shall remain in office until they are replaced or cease to belong to the said Society; and the majority of the said *quorum* may authorize the President or Vice-President, or any other officer to sign and countersign any act or document; and any such act or document so signed and sealed with the seal of the said Corporation shall be deemed the act of the said Corporation.

Acts of the Society.

5.

By-laws may be amended.

5. The said Corporation or the majority of the *quorum* thereof may from time to time amend or alter the rules and regulations of the same.

Non-liability of members.

6. The members of the said Corporation shall not be personally liable over and above what they shall be bound to pay according to the rules of the said Corporation.

Public Act.

7. This Act shall be deemed a public Act.

CAP. CXX.

An Act to incorporate the Montreal Library Society.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS William Henry Hingston and Thomas Walter Jones, Doctors of Medicine, John William Dawson, Doctor of Laws, and Thomas Cramp, Henry Thomas, William E. Phillips, William Nivin, Alfred Rimmer, John Leeming, John Greenshields, William Henry, Allan Davies, Alexander Morris and James Ferrier, the younger, Esquires, have by petition set forth, that there does not exist in the City of Montreal any Public Library at all commensurate with the literary, scientific and educational wants thereof; that in order to the formation and permanent maintenance of such Library, it is necessary that a Society should be incorporated to that end with all needful powers for the raising of capital and the acquisition and holding of real property and otherwise; and that they are desirous of being so incorporated, under the name of the "Montreal Library Society;" And whereas it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

The Petitioners and others incorporated.

Corporate name and powers.

Real property for actual use.

Proviso: as to real estate not

1. The said William Henry Hingston, Thomas Walter Jones, John William Dawson, Thomas Cramp, Henry Thomas, William E. Phillips, William Nivin, Alfred Rimmer, John Leeming, John Greenshields, William Henry, Allan Davies, Alexander Morris and James Ferrier, the younger, and all other persons who may by virtue of this Act replace or be united with them, shall be and they are hereby constituted a body politic and corporate, under the name of the "Montreal Library Society," for the establishing and maintenance of a Public Library, in the said City of Montreal, and under the said name shall have power to acquire for themselves and their successors, under any legal title whatever, such real estate as they may require for their actual occupation as such Library Society, and may sell and alienate any real estate held by them, and acquire other instead thereof for the purposes of this Act; and may acquire any other real estate or interest therein, by gift, devise or bequest, if made at least six months before the death

death of the party making the same, and may hold such estate for a period of not more than five years, but the same or any part or portion thereof or interest therein which may not within the said period have been alienated, shall revert to the party from whom the same was acquired, his heirs or other representatives. required for actual use of the Corporation.

2. The said Corporation shall have power to administer their affairs by such and so many Directors and other officers, and under such restrictions as touching their powers and duties as by By-law in that behalf they may from time to time ordain; and they may assign to any of such officers such remuneration as they may deem requisite. Administration of affairs of Corporation.

3. The said Corporation shall have power to make all such By-laws, not contrary to law, as they shall deem expedient, for the government thereof, the maintenance and due regulation of their Library, and of such Museum, Gallery of Art, Reading-room, and other subsidiary undertakings of the like description as they may attach thereto,—the raising of capital by the issue of transferable shares or otherwise,—the conditions under which such shares shall be issued, and may be transferred or forfeited,—and the administration of their affairs generally,—and may amend and repeal such By-laws from time to time, observing always, however, such formalities of procedure as by such By-laws may have been prescribed to that end, and generally shall have all needful corporate powers for the purposes of this Act. Power to make By-laws for certain purposes. General purposes.

4. All the revenues of the said Corporation, from whatever source they may be derived, shall be devoted exclusively to the maintenance of the said Corporation, and of such Library and other subsidiary undertakings thereof as aforesaid, and to the acquisition, improvement and repair of the buildings and other real estate required to that end, and to no other purpose whatever. Revenue to be applied solely to certain purposes.

5. The said Corporation on the one hand, and the University of McGill College, or any other educational or literary or scientific Institution on the other, may at all times enter into and carry out any agreement which they may deem expedient, with a view to co-operation in the care or use of their respective Libraries, Museums, Apparatus, or other Collections, or otherwise to the furtherance of the objects of the said Corporation. Corporation may co-operate with other institutions for like purposes.

6. The said Corporation shall at all times when thereunto required by the Governor or by either branch of the Legislature, make a full return of its property, real and personal, and of its receipts and expenditure, for such period and with such details and other information as the Governor or either branch of the Legislature may require. To make returns to the Legislature.

7. This Act shall be deemed a Public Act. Public Act.

CAP.

the business of the said Corporation, which to them shall or may appertain to do, subject nevertheless to the rules, regulations, stipulations and provisions herein prescribed and established.

Capital. Shares.

2. The capital stock of the said Fire Insurance Company, hereby incorporated and established, shall not be less than the sum of two hundred thousand dollars, divided into two thousand shares of one hundred dollars each.

Increase of capital. 25 per cent. to be paid down.

3. Provided, however, that it shall be in the power of a majority of the stockholders of the said Corporation present at a general meeting called for that purpose, to increase the capital stock of the said Corporation from time to time, until it shall consist of one million dollars, divided into shares of one hundred dollars each; and it shall be the duty of the Directors to exact payment of not less than twenty-five per cent. on all shares that may be subscribed for in any increase to the capital stock of the Company, within one year from the date of such subscription.

Provisional Directors. Subscription books.

4. The said John James Day, Luther H. Holton, Thomas M. Taylor, Robert Anderson, John Dougall, Edwin Atwater, John Redpath and Henry Lyman shall act as Provisional Directors, and shall, within sixty days of the passing of this Act, open a book for the subscription of shares in the capital stock of the said Corporation, of which public notice shall be given in at least two newspapers published in the City of Montreal.

First meeting of Stockholders and election of Directors.

5. Whenever one thousand shares shall have been subscribed in the said Corporation, the Provisional Directors, or any five of them, shall call a meeting of the subscribers for the organization of the said Corporation and the election of Directors, of which meeting notice shall be given at least eight days before the day of such meeting in at least two newspapers published in the City of Montreal.

Qualification of Directors.

6. No stockholder shall be eligible as a Director unless he be the proprietor of at least twenty shares in the stock of the said Corporation.

Proportion of votes to shares.

7. The number of votes to which each stockholder shall be entitled, on every occasion when, in conformity to the provisions of this Act, votes of members of the said Corporation are to be given, shall be one vote for each share.

Annual general meetings.

8. A general meeting of the stockholders of the said Corporation shall be held on the third Tuesday of the month of January in each year, and failing such meeting on the day so appointed, then it shall be held on the subsequent Tuesday.

9. The Directors shall at their first meeting after each general annual meeting of the stockholders, elect a President and Vice-President from among themselves; they may also from time to time appoint a manager, and such other officers as may be necessary to carry out the objects of the said Corporation. President to be elected, and other Officers

10. The said Corporation shall not commence or carry on the said business of insuring against loss by fire, or issue any policy of insurance, until a sum equal to at least fifty thousand dollars shall be paid up, and deposited in one of the Chartered Banks of the Province, and shall be in the hands and at the disposal of the said Corporation, nor shall any policy of insurance be at any time opened or renewed after the expiration of one year from the time the said Corporation shall have commenced business, unless a sum of at least one hundred thousand dollars shall then have been paid up; nor shall any Policy of Insurance be at any time opened or renewed by the said Corporation, unless a sum equal to at least ten per cent on their capital stock then subscribed for, after paying all lawful demands on them, shall be then paid up, and in their hands and at their disposal as aforesaid; and for each and every offence against the provisions of this section, the said Corporation shall be liable to a judicial forfeiture of their corporate capacity, rights and privileges, according to law. When the Corporation may commence business, &c. Penalty for contravention.

11. The stockholders in the said Corporation shall not in any manner whatsoever be liable for more than the amount of stock for which they shall respectively have subscribed their names. Liability of Stockholders limited.

12. The Governor or either branch of the Provincial Parliament may, from time to time, require from the said Corporation, or of any of the officers thereof, lists of the names of all the stockholders, with a statement of the number of shares in the stock of the said Corporation held by each of the said stockholders, and an account of the assets and liabilities of the said Corporation, mentioning the amount then paid up, and in the hands and at the disposal of the said Corporation, with such other details as may be demanded; and every wilful false declaration made in such statement shall be considered a misdemeanor, and shall subject the party or parties making such false declaration, to the same penalties as if they had made it under oath. Returns to the Legislature, &c. False statements, how punishable.

13. This Act shall be deemed a Public Act. Public Act.

CAP.

CAP. CXVI.

An Act to amend the Charter of the Society of the Montreal General Hospital.

[*Assented to 4th May*, 1859.]

Preamble.

Charter of 30th January, 1823.

WHEREAS the Society of the Montreal General Hospital, by their Petition to the Legislature, have set forth, that on the thirtieth day of January, in the year of our Lord, one thousand eight hundred and twenty-three, they were duly constituted a body politic and corporate, under and by virtue of certain Letters Patent of His late Majesty King George the Fourth, duly issued on that day at the Castle of St. Lewis, in the City of Quebec, under the great seal of the then Province of Lower Canada, and have ever since acted, and still act as such thereunder; that certain of the provisions of the said Letters Patent, more especially in reference to the qualification of the members of the said corporation,—its powers in respect of the holding and alienating of property,—the number, choice and qualification of the Governors thereof, the quorum of Governors for the transaction of business, and the extent of their powers of administration, are found in practice to be highly inconvenient; and that they therefore pray for amendment of their said Charter; And whereas it is expedient to grant their said prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Who shall be Members of the Corporation.

1. The present Governors of the said Hospital, and all other persons who, during the year to expire on the first Tuesday of May, in the year one thousand eight hundred and fifty-nine, shall have contributed to its funds five dollars or more, are hereby declared to be members of the said Corporation; and hereafter, all persons who, during the current or last expired financial year thereof, shall have contributed to its funds five dollars or more, shall be such members thereof; Provided always, that no person shall be entitled to vote as such member, who shall not have actually paid up such contribution for the then current financial year.

What real estate the Corporation may acquire and hold.

2. The said Corporation may acquire and hold, by any legal title whatsoever, real estate of a yearly value not exceeding four thousand dollars, as by the said Charter allowed, besides what they may require for the actual occupation of their Hospital; and they may acquire any other real estate, or interest therein, by gift, devise or bequest if made six months or upwards before the death of the party making the same, and may hold the same for a period of not more than five years; but the same, or any part thereof, or interest therein, which may not within the said period have been alienated, shall revert to the party

party from whom the same was acquired, his heirs or other representatives.

Who shall be life Governors.

3. The present life Governors of the said Hospital shall continue so to be, subject only to the condition of their continuing to contribute to its funds the yearly sum of twelve dollars or more, as heretofore,— but may be declared by vote of the Board of Governors to have ceased so to be, if at any time two years in arrear for such contribution; and any other persons who shall have contributed by donation to its funds one hundred dollars or more, may be constituted such life Governors by vote of the said Board, subject to the like condition of contributing such yearly sum of twelve dollars or more,—and may, in like manner, be declared by vote of the said Board to have ceased so to be, if at any time two years in arrear for such further contribution.

Elected Governors,—number, qualification, period of service, &c.

4. The present elected Governors of the said Hospital shall also continue so to be until the time of the next annual election of Governors, to be held under the said charter after the passing of this Act, and shall severally be eligible for re-election thereat, if otherwise qualified; and at such next annual election there shall be chosen by the members of the Corporation qualified to vote, such number of elected Governors not exceeding six as may be deemed expedient, to serve for the term of one year and until their successors shall be elected, and a like further number to serve for the term of two years and until their successors shall be elected; and at every annual election thereafter, a like number of not more than six elected Governors shall in like manner be chosen for the like term of two years and until their successors shall be elected to supply the place of those retiring, who, however, shall always be eligible for re-election, if otherwise qualified; and all persons, donors of forty dollars or more, if also contributors of eight dollars or more yearly, to the Funds of the said Hospital, and also all contributors of twelve dollars or more yearly, to its funds, shall be held qualified for election as such Governors.

Vacancies among elected Governors.

5. In case of the death, resignation or disqualification of any elected Governor, it shall be in the discretion of the Board of Governors to name another qualified member of the said Corporation, to serve in his stead for the unexpired remainder of the term for which he was elected.

President and Vice-President, election of, term of office, &c.

6. There shall continue to be elected by the Board of Governors, from among themselves, as soon as conveniently may be after each annual election of Governors, a President and Vice-President of the said Corporation, who shall have such powers and discharge such duties as by By-law in that behalf may be ordained, and shall serve for the term of one year and until their successors shall be elected; and in case of the death, resignation or disqualification of such President or Vice-President,

Vacancies in the office.

President, the said Board as soon as conveniently may be thereafter, shall elect another of themselves to serve as such for the unexpired remainder of his term of office; and the said Board may further, as occasion shall require, appoint all such other officers, and employ all such servants of every grade, of the said Corporation, on such terms, in respect of duty, emolument and otherwise, as by By-law in that behalf may be ordained, and may remove all such other officers and all such servants, in their discretion, subject only to such restrictions as by By-law in that behalf may be ordained.

Officers and Servants of the Corporation.

Board of Governors to administer the affairs of the Corporation.

7. The said Board of Governors shall in all other respects have full power to administer the affairs of the said Corporation, subject only to such restrictions as its By-laws may ordain; and in particular, may sell or in any other way dispose of any estate, real or personal, of the said Corporation, as they may deem advisable for the interests of the said Corporation;

Proviso: as to investment of proceeds of property sold.

Provided always, that all moneys from time to time to be received by them on account of purchase money of any real estate by them alienated or to be alienated, or on account of the capital of any ground rent, or otherwise than by way of contribution not made for investment, shall be dealt with as capital only, and not as income, and shall be promptly invested either in buildings or other real estate for the occupation of the said Hospital, or in productive real estate, or upon security thereof, or in public securities of the Province.

President, &c., need not take an oath of office.

8. So much of the said Charter as provides that every President, Vice-President, Governor, Treasurer and Secretary of the said Corporation shall take an oath of office, is hereby repealed.

Quorum of Governors.

9. The Quorum of the Board of Governors for the transaction of all business is hereby reduced to five; and the presence of the President or Vice-President shall not be necessary to constitute such Quorum.

Present By-laws continued.

10. The present By-laws of the said Corporation, in so far as they may not be contrary to any provision of the said Charter as hereby amended, or to law, shall remain in force until duly repealed or amended.

Board of Governors may make By-laws for certain purposes, and may repeal or amend them.

11. The said Board of Governors shall have power hereafter to provide by By-law, from time to time, for any changes which may be deemed expedient as to the time prescribed by the said Charter for holding the annual meetings of the said Corporation, or as to the notice thereby required to be given for such meetings, or as to the rule of voting at such meetings thereby prescribed, or as to the mode therein indicated for the summoning of meetings of the said Board of Governors, as also for any lowering of the qualification hereinbefore set forth of elected Governors, which may be deemed expedient, or for the

the requiring of any larger Quorum of the said Board of Governors than is hereinbefore set forth, whether for transaction of business generally, or of any particular descriptions of business, as may be deemed expedient, and generally for all other matters and things whatsoever appertaining to the affairs of the said Corporation; and they may repeal or amend all such By-laws; Provided always, that no By-law, and no repeal or amendment of any By-law, shall take effect until after approval thereof by vote of the members of the said Corporation, at an annual or special meeting of the Corporation duly called. Proviso.

12. The said Corporation shall at all times when thereunto required by the Governor or by either branch of the Legislature, make a full return of its property, real and personal, and of its receipts and expenditure, for such period and with such details and other information, as the Governor or either branch of the Legislature may require. Corporation to make returns to the Legislature.

13. This Act shall be deemed a Public Act. Public Act.

CAP. CXVII.

An Act to amend the Charter of the Canadian Literary Institute of Woodstock.

[*Assented to 4th May*, 1859.]

WHEREAS the Canadian Literary Institute of Woodstock have prayed to be empowered to raise a certain sum of money, not exceeding four thousand dollars, on the property held by the Corporation, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. It shall be lawful for the said Corporation to raise by way of loan, for the purposes of the said Corporation, any sum of money not exceeding four thousand dollars, for the purpose of completing their buildings, and for securing the re-payment of the said sum to grant a mortgage on the property of the said Corporation, by deed under the corporate seal thereof; any thing in the Act incorporating the said Company to the contrary notwithstanding. The said Corporation created by 20 V. c. 217, may raise money by mortgage of its property.

2. The mortgagee shall not be bound to see to the application of the money. Application of money so raised

3. This Act shall be deemed a Public Act. Public A

CAP.

CAP. CXVIII.

An Act to amend the Act incorporating the Natural History Society at Montreal.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS the Natural History Society of Montreal have represented, by their petition to the Legislature, that inconveniences have arisen from certain provisions of the Act of the Parliament of Lower Canada, Second William the Fourth, chapter sixty-five, which incorporates the said Society, and have prayed that the said Act be amended, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Act of L. C. 2 W. 4, c. 65.

Sect. 11 repealed.

1. The eleventh section of the said Act is hereby repealed.

Quorums for different purposes.

2. Notwithstanding any thing in the said Act contained, the quorum of seven members required at any ordinary meeting for the transaction of the usual business thereof, shall be a competent quorum for the election of any ordinary members of the said Society; and a quorum of twelve members at any such meeting shall be a competent quorum for the election of any corresponding or honorary members of such Society.

Amount of personal property to be unlimited.

Real property.

3. Notwithstanding any thing in the said Act contained, the said Society shall be capable of holding personal estate, without limit as to the value or income thereof; and also of acquiring, by gift, devise or bequest, if made at least six months before the death of the party making the same, any real estate or any interest therein, beyond the limit prescribed by the said Act, and of holding the same for a period of not more than five years, and the same, or any portion thereof, or interest therein, which may not within the said period have been alienated, shall revert to the party from whom the same was acquired, his heirs, or other representatives.

Power to make By-laws for certain purposes.

4. The said Society shall have power and authority to make and enforce such by-laws, rules and regulations for the admission of the public to the use of their Library and the inspection of their Museum, at such hours and upon such terms of admission, by payment of fees or otherwise, and subject to such restrictions as to them shall seem meet, and the same from time to time to vary, alter or amend, as shall be found necessary or expedient.

Public Act.

5. This Act shall be deemed a Public Act.

CAP. CXIX.

An Act to incorporate *La Société Historique de Montréal.*

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS Messrs. H. A. Verreau, R. Bellemare, J. U. Beaudry, L. A. H. Latour, George Baby and others, have associated themselves for the purpose of collecting and publishing documents relative to the History of Canada, and have petitioned for an Act to incorporate them to carry out the said object: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Incorporation, and corporate name and powers.

1. The said H. A. Verreau, R. Bellemare, J. U. Beaudry, L. A. H. Latour, George Baby and such others as are now members of the said Association, together with such other as shall hereafter become members thereof, according to the provisions of this Act and the rules of the said Association, shall be and they are hereby declared to be a body corporate and politic, in name and in fact, by the name of *La Société Historique de Montréal*, and all corporate rights and powers which by law or by any Act are vested in bodies corporate generally, shall vest in such Corporation, as if the same had been specially mentioned in this Act.

Real property.

2. The said Corporation shall have power to acquire and hold real property to the extent of four thousand dollars, and no more, for its own use and for the objects legitimately connected with their aforesaid purpose and no other.

By-laws and Officers.

3. The By-laws and regulations of the said Association in so far as they are not inconsistent with this Act, shall be the By-laws and regulations of the said Corporation until repealed or altered in the manner hereinafter provided, and the officers of the said Association shall be the officers of the Corporation hereby created until others are appointed or elected in their stead according to the By-laws of the Corporation.

How the affairs of the Society shall be managed.

4. The affairs of the said Corporation shall be managed by the majority of the *quorum* thereof, as fixed, from time to time, by the members thereof, who shall elect from among themselves a President, a Vice-President, a Treasurer, a Librarian and a Secretary, who shall remain in office until they are replaced or cease to belong to the said Society; and the majority of the said *quorum* may authorize the President or Vice-President, or any other officer to sign and countersign any act or document; and any such act or document so signed and sealed with the seal of the said Corporation shall be deemed the act of the said Corporation.

Acts of the Society.

By-laws may be amended.

5. The said Corporation or the majority of the *quorum* thereof may from time to time amend or alter the rules and regulations of the same.

Non-liability of members.

6. The members of the said Corporation shall not be personally liable over and above what they shall be bound to pay according to the rules of the said Corporation.

Public Act.

7. This Act shall be deemed a public Act.

CAP. CXX.

An Act to incorporate the Montreal Library Society.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS William Henry Hingston and Thomas Walter Jones, Doctors of Medicine, John William Dawson, Doctor of Laws, and Thomas Cramp, Henry Thomas, William E. Phillips, William Nivin, Alfred Rimmer, John Leeming, John Greenshields, William Henry, Allan Davies, Alexander Morris and James Ferrier, the younger, Esquires, have by petition set forth, that there does not exist in the City of Montreal any Public Library at all commensurate with the literary, scientific and educational wants thereof; that in order to the formation and permanent maintenance of such Library, it is necessary that a Society should be incorporated to that end with all needful powers for the raising of capital and the acquisition and holding of real property and otherwise; and that they are desirous of being so incorporated, under the name of the "Montreal Library Society;" And whereas it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

The Petitioners and others incorporated.

1. The said William Henry Hingston, Thomas Walter Jones, John William Dawson, Thomas Cramp, Henry Thomas, William E. Phillips, William Nivin, Alfred Rimmer, John Leeming, John Greenshields, William Henry, Allan Davies, Alexander Morris and James Ferrier, the younger, and all other persons who may by virtue of this Act replace or be united with them, shall be and they are hereby constituted a body politic and corporate, under the name of the "Montreal Library Society," for the establishing and maintenance of a Public Library, in the said City of Montreal, and under the said name shall have power to acquire for themselves and their successors, under any legal title whatever, such real estate as they may require for their actual occupation as such Library Society, and may sell and alienate any real estate held by them, and acquire other instead thereof for the purposes of this Act; and may acquire any other real estate or interest therein, by gift, devise or bequest, if made at least six months before the death

Corporate name and powers.

Real property for actual use.

Proviso: as to real estate not

death of the party making the same, and may hold such estate for a period of not more than five years, but the same or any part or portion thereof or interest therein which may not within the said period have been alienated, shall revert to the party from whom the same was acquired, his heirs or other representatives. required for actual use of the Corporation.

2. The said Corporation shall have power to administer their affairs by such and so many Directors and other officers, and under such restrictions as touching their powers and duties as by By-law in that behalf they may from time to time ordain; and they may assign to any of such officers such remuneration as they may deem requisite. Administration of affairs of Corporation.

3. The said Corporation shall have power to make all such By-laws, not contrary to law, as they shall deem expedient, for the government thereof, the maintenance and due regulation of their Library, and of such Museum, Gallery of Art, Reading-room, and other subsidiary undertakings of the like description as they may attach thereto,—the raising of capital by the issue of transferable shares or otherwise,—the conditions under which such shares shall be issued, and may be transferred or forfeited,—and the administration of their affairs generally,—and may amend and repeal such By-laws from time to time, observing always, however, such formalities of procedure as by such By-laws may have been prescribed to that end, and generally shall have all needful corporate powers for the purposes of this Act. Power to make By-laws for certain purposes. General purposes.

4. All the revenues of the said Corporation, from whatever source they may be derived, shall be devoted exclusively to the maintenance of the said Corporation, and of such Library and other subsidiary undertakings thereof as aforesaid, and to the acquisition, improvement and repair of the buildings and other real estate required to that end, and to no other purpose whatever. Revenue to be applied solely to certain purposes.

5. The said Corporation on the one hand, and the University of McGill College, or any other educational or literary or scientific Institution on the other, may at all times enter into and carry out any agreement which they may deem expedient, with a view to co-operation in the care or use of their respective Libraries, Museums, Apparatus, or other Collections, or otherwise to the furtherance of the objects of the said Corporation. Corporation may co-operate with other institutions for like purposes.

6. The said Corporation shall at all times when thereunto required by the Governor or by either branch of the Legislature, make a full return of its property, real and personal, and of its receipts and expenditure, for such period and with such details and other information as the Governor or either branch of the Legislature may require. To make returns to the Legislature.

7. This Act shall be deemed a Public Act. Public Act.

CAP.

CAP. CXXI.

An Act to incorporate the *Wesleyan Female College*, of Dundas.

[*Assented to 4th May*, 1859.]

Preamble. WHEREAS there now exists in the Town of Dundas, *in* the County of Wentworth, an institution known as the Wesleyan Female College; And whereas several of the inhabitants of Dundas have by their petition to the Legislature of this Province prayed that with a view of promoting Female Education in this Province, the said Institution may be incorporated under the name of the *Wesleyan Female College*, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Trustees of said College incorporated. 1. Thomas Howe, James Coleman, Hugh Moore, Aaron Nash, James B. Graften, Edward Jackson, John Neff, William Boice and the Rev. Samuel Rose, and their successors in office (to be appointed as hereinafter enacted,) shall be and are hereby appointed Trustees for the said College on behalf of the stockholders, who have or may subscribe for or take stock for the purchase of land and buildings, or the erection of buildings, the purchase of furniture and other outlays for said College, and shall be a body politic and corporate by the name of the *Trustees of the Wesleyan Female College*, and shall by that name have perpetual succession and a common seal, with power to alter, renew or change the same at pleasure, and shall by the said name have power to purchase, acquire, hold, possess and enjoy, for themselves and their successors in office under any legal title whatever, such real estate as may be required and necessary for the actual occupation of the said College, and to sell and alienate the same and acquire other in their stead for the purposes of this Act.

Corporate name and general corporate powers.

By-laws. 2. For the administration and government of the said College, the said Trustees may make such By-laws, not contrary to law, as they deem expedient, and the same may amend or repeal, and generally shall have all necessary corporate powers for the purposes of this Act; Provided always, that the said Corporation may acquire any other real estate, or any interest therein, by gift, devise or bequest, if made at least six months before the death of the party making the same, and the Corporation may hold such estate for not more than three years, and the same or any part or portion thereof or interest therein which may not within the said period have been alienated and disposed of, shall revert to the party from whom the same was acquired, his heirs or other representatives; And provided also, that the proceeds of such property as shall have been disposed of during the said period may be invested in the public securities of the Province, stocks of chartered Banks, mortgages, or other approved securities for the use of the said Corporation.

Proviso: as to real estate.

Proviso: as to proceeds of real estate sold.

3.

Ex officio member of the Board of Trus-

3. In order to assist in the moral government of the Institution, the superintendent Minister for the time being of the Wesleyan Methodist Church on the Dundas Circuit, shall be an *ex officio* member of the Board of Trustees; and the Board of Trustees shall have power to elect the Faculty of the Institution, form regulations and By-laws, prescribe the course of study, attend examinations, and regulate the government and instruction of the students, and fill all vacancies that may occur in their Board, for the interval only which may elapse before the next annual meeting of the Stockholders.

Powers of Board.

Number of Trustees.

4. There shall always be nine Trustees of the said Corporation, excepting when a vacancy or vacancies occur, which vacancy or vacancies, whether caused by death, resignation or removal, shall be supplied as aforesaid within two months after they may happen; and four of the said Trustees shall constitute a quorum for the transaction of business.

Quorum.

Application of funds of the Corporation.

5. All the revenues of the said Corporation, from whatever source they may be derived, shall be devoted exclusively to the maintenance of the College and to the furtherance of education, and to no other purpose.

Report to annual meeting.

6. It shall be the duty of the Board of Trustees to present to the annual meeting, to be convened as hereinafter enacted, a full report in writing of the financial and educational state of the said College.

Annual meeting of subscribers.

7. There shall be an annual meeting of the subscribers to the capital stock of the said College, held in the Town of Dundas, on the second Tuesday in July in each and every year, (the first to be convened by the Secretary of said Board of Trustees,) to receive the report of the Trustees and to appoint their successors in office, and after the appointment of Trustees to select from the said Trustees a Chairman and Secretary, who shall act as such both in the Trustee Board and at the general meetings of stockholders until their successors are appointed, and to give any other directions and make any other arrangements that may be deemed necessary for the interests of the said College; Provided always, that all elections for officers shall be by ballot, and each shareholder shall be entitled to as many votes as he owns paid up shares of stock in the Company, and no person shall be eligible to hold office unless he holds at least one share of paid up stock to the amount of twenty dollars in the College.

Chairman and Secretary.

Proviso: election to be by ballot.

Payment of subscriptions.

8. Every stockholder shall be liable to the Trustees of the said College for the payment of the full amount subscribed by him, at the time or times agreed upon between the subscriber and the Trustees, and in the event of any of the stockholders failing in the due performance of such agreement and in the payments thereby promised and subscribed for, then and in such case

(the

(the party having first received one month's notice in writing from the Secretary to that effect,) it shall be optional with the stockholders at their next annual meeting to authorize the Board of Trustees either to declare the stock so subscribed for and not paid in full or in part, cancelled and forfeited, or to take legal proceedings against the defaulting party for the amount due; Provided always, that such forfeiture shall be a release to the party from all liability to the Board of Trustees in respect of the shares so forfeited, and further that the liability of any stockholder for or on account of the said College shall not exceed the amount of stock actually subscribed for by such stockholder, and the interest which may be due on the unpaid portion thereof if any.

Proviso.

Liability of subscribers limited.

By-laws, property, &c., of the Institution to become those of the Corporation.

9. The By-laws or rules of the said Institution, at the time of the passing of this Act, not being contrary to law, shall be By-laws of the said Corporation until amended and repealed under this Act; the property, rights and liabilities of the said Institution shall become the property, rights and liabilities of the said Corporation, and all subscriptions to the stock or funds of the said Institution shall remain valid as subscriptions to the stock or funds of the said Corporation, and may be recovered and dealt with as such.

Trustees to retire by rotation.

10. Three of the Trustees shall retire annually from office but shall be eligible to be immediately re-elected; the three first on the list shall retire the first year and the next three the second year, and so on in rotation.

Corporation to report to the Governor when called upon.

11. It shall be the duty of the said Corporation, at all times when they may be called upon so to do by the Governor of this Province or by either House of Parliament, to render an account in writing of their property and affairs, in which shall be set forth the income by them derived from property held under this Act and the means by which the same has been acquired, also the number of members of the said Corporation, the number of teachers employed in the various branches of instruction, the number of scholars under instruction, the course of instruction pursued, and all other particulars of information which may be called for.

Public Act.

12. This Act shall be deemed a Public Act.

CAP. CXXII.

An Act to incorporate the British and Canadian School Society of Montreal.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS the Honorable Peter McGill, and William Lunn, John Frothingham, David Torrance, John Torrance, David Davidson, Charles Phillips, Henry Thomas, Robert Esdaile, John Greenshields, John G. Mackenzie and Benjamin Holmes, all of the City of Montreal, Esquires, have by petition set forth, that as long ago as the year one thousand eight hundred and twenty-two, divers of them, the said petitioners, and others who by reason of death or otherwise have since ceased to act with them the said petitioners in the premises, associated themselves together for the purpose of establishing and maintaining certain public schools, under the designation of *The British and Canadian School Society of Montreal*, and ever since have, by voluntary contributions, raised considerable sums of money for that purpose, and have maintained certain Public Schools, to the great advantage of the public; That in the year one thousand eight hundred and twenty-six, partly with moneys so raised, and partly with moneys granted from time to time, by the then Provincial Parliament of Lower Canada, the parties so associated together acquired certain valuable real estate in the said City, in the names of the Honorable Louis J. Papineau, of Petite Nation, Esquire, of the said William Lunn, and of the late Honorable Pierre de Rocheblave, of the said City of Montreal, Esquire, as Trustees; that there have since been erected on the said property valuable school buildings, which have been and now are in use for the purposes of the said Public Schools; that the said petitioners and their associates, nevertheless, have never been and are not now an incorporated body, and the said property is consequently in danger of being diverted from such use; that they are desirous to continue and extend their efforts in the cause of education under the safeguard of an Act of incorporation; and that they therefore pray to be incorporated under the name aforesaid; And whereas it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

The Petitioners and others incorporated.

1. The said Peter McGill, William Lunn, John Frothingham, David Torrance, John Torrance, David Davidson, Charles Phillips, Henry Thomas, Robert Esdaile, John Greenshields, John G. Mackenzie, Benjamin Holmes, and all other persons who may by virtue of this Act replace or be united with them, shall be and they are hereby constituted a body politic and corporate, under the name of *The British and Canadian School Society of Montreal*, and under the said name shall be, and they hereby are

Corporate name and powers.

Property of former association transferred to it;—property for actual use.

are declared to be, seized as proprietors of the said real estate so heretofore held in trust as aforesaid, and may take from the said trustees or their representatives such deed thereof or evidence of title thereto as may be deemed advisable, and shall have power to acquire for themselves and their successors, under any legal title whatever, such other real estate as may be required and necessary for the actual occupation of the Public Schools presently established or hereafter to be established by them, and may sell and alienate any real estate held by them, and acquire other instead thereof for the purposes of this Act; and for the administration and government of the said Corporation and of the Schools thereof they may make such By-laws not contrary to law as they shall deem expedient, and may amend or repeal the same from time to time, and generally shall have all necessary corporate powers for the purposes of this Act; Provided always, that the said Corporation may acquire any other real estate or any interest therein, by gift, devise or bequest, made six months or more before the death of the donor or testator, and may hold such estate for a period of not more than five years, but the same or any part thereof or interest therein which may not within the said period have been alienated, shall revert to the party from whom the same was acquired, his heirs or other representatives; And provided also, that the proceeds of such real estate as shall have been so disposed of during the said period, may be invested in the public securities of the Province, stocks of Chartered Banks, mortgages or other approved securities, for the use of the said Corporation.

By-laws.

General powers.

Proviso: as to real estate not required for actual use of the Corporation.

Investing moneys of the Corporation.

Revenue to be applied solely to certain purposes.

2. All the revenues of the said Corporation, from whatever source they may be derived, shall be devoted exclusively to the maintenance of the said Corporation, and the furtherance of education in the schools thereof, and the acquisition, improvement and repair of the buildings required to that end, and to no other purpose whatever.

Administration of affairs of Corporation.

3. The said Corporation shall have power to administer their affairs by such and so many Directors and other officers, and under such restrictions in respect of their powers and duties, as by By-law in that behalf they may from time to time ordain; and they may assign to any of such officers such remuneration as they may deem requisite.

To make returns to the Legislature.

4. The Corporation shall at all times, when thereunto required by the Governor or by either branch of the Legislature, make a full return of its property, real and personal, and of its receipts and expenditure for such period, with such details and other information as the Governor or either branch of the Legislature may require.

Public Act.

5. This Act shall be deemed a Public Act.

CAP.

CAP. CXXIII.

An Act to incorporate the Roxton Academy.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS certain inhabitants of the Township of Roxton, have, by their petition to the Legislature, prayed to be incorporated under the name of the "Roxton Academy," and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons incorporated.

1. The Reverend Jacques Denis Michon, Missionary of the Township of Roxton, Alfred Rocque, François Bousquet, Pierre Favreau and Laurent Carron, School Commissioners of, and residents in the Township of Roxton, and such other persons as shall succeed them as Missionary or Curé of Roxton and School Commissioners, as soon as they shall be appointed and elected to the said offices respectively, and also, Narcisse Martineau, Hyacinthe Dubrule, Martial Major, Pierre Roch Célérier, and the Senior Professor of the Academy, shall be and are hereby constituted a body politic and corporate in deed and in name, by the name of the "Roxton Academy," and may by that name at all times hereafter contract generally, and may purchase, acquire, accept, receive, hold and possess, for themselves and their successors for the use of, or on behalf of the said Corporation, any lands, tenements and hereditaments situate in this Province, which shall be necessary for the actual occupation of the said Corporation, for the purposes of the said Institution; and may sell and alienate the same, and acquire others in their stead by any title whatsoever for the same purposes; and the said Corporation may acquire any other real estate, or any interest therein, by gift, devise or bequest, if made at least six months before the death of the party making the same, but shall not hold the same more than five years, and the same or any part or portion thereof or interest therein which may not within the said period have been alienated or disposed of, shall revert to the party from whom the same was acquired, his heirs or other representatives; and they shall have full power and authority to make and establish such By-laws as they shall deem expedient for the good government of the said Academy, and the conducting in all things of the affairs of the Corporation, and which By-laws shall not be repealed or altered except only in such manner and by such number of votes as shall have been fixed when they were made and passed at the general meetings of the Corporation, which shall be called by their Secretary-Treasurer, by order of the President and of two members of the Corporation, and at which meetings four members shall form a quorum; and the said Corporation shall have power to appoint such officers and to adopt

Corporate name and powers.

What real property the Corporation may hold.

To make By-laws for certain purposes

To appoint officers, &c.

Proviso. adopt such measures as may be calculated to promote education, for which purpose the Corporation is constituted; Provided always, that nothing in any such By-laws, regulations or measures as aforesaid, shall be inconsistent with this Act or with the laws in force in this Province.

Vacancies. **2.** Vacancies among the members of the Corporation other than the Commissioners shall be filled by the Corporation from time to time.

Exclusive application of funds to educational purposes. **3.** All the revenues and income of the said Corporation shall be applied exclusively to the support of the said Academy and the furtherance of education therein, and to the construction, improvement or repairing of the buildings required for the purposes of the Corporation, in such manner as the members shall consider best adapted to the said purposes.

As to union with Elementary Schools. **4.** The Corporation shall have power to enter into an agreement with the School Commissioners of their School Municipality for the union of the Elementary School with the Academy, and the Commissioners are authorized to that effect by this Act.

Meetings of the Corporation; election of President, &c. **5.** The members of the Corporation shall yearly, at the annual meeting to be held in the month of July, or at the next meeting thereafter, elect one of their number to be the President of the Corporation; and the Corporation shall have power to appoint masters or teachers in the said Academy, and to fix their remuneration, and from time to time to remove any of them and appoint others in their stead.

Returns to the Governor, &c. **6.** The said Corporation shall at all times, when thereunto required by the Governor or by either branch of the Legislature, make a full return of its property, real and personal, and of its receipts and expenditure, for such period, and with such details and other information, as the Governor or either branch of the Legislature may require.

Public Act. **7.** This Act shall be deemed a Public Act.

CAP. CXXIV.

An Act to incorporate the Association for the education of the colored people of Canada.

[*Assented to 4th May*, 1859.]

Preamble. WHEREAS a charitable Association has for some time past existed in this Province, under the name of "The Provincial Association for the education and elevation of the colored people of Canada," having for its object the education of the colored youth of this Province, and their training and preparation

preparation for the active duties of life; And whereas it is expedient to incorporate the said Association with the usual powers of bodies incorporated for like purposes: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons incorporated.

1. Dr. A. T. Augusta, A. Judah, W. R. Abbott, J. M. Tinsley, H. Montier, S. Goutier, B. Gross, Wm. Richardson, G. Boyd, Isaac N. Cary and J. Mink, the present Trustees of the said association, and such other persons as now are or shall hereafter become members thereof, under the provisions of this Act, and the By-laws made under the authority thereof, and their successors, shall be and they are hereby constituted a body politic and corporate, by the name of the "Association for the education of the colored people of Canada," and may by that name sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in all Courts of Law and places whatsoever, and by that name they and their successors shall have perpetual succession, and may have a common seal, and may break, change, alter or renew the same at pleasure, and shall have power to purchase, take, receive, hold and enjoy such real estate as may be required for the actual occupation of the said Corporation, and to alienate, sell, convey, lease, or otherwise dispose of the same, or any part thereof, from time to time, and as occasion may require, and to acquire other instead thereof; Provided always, that the said Corporation may acquire any other real estate or any interest therein, by gift, devise or bequest, if made at least six months before the death of the party making the same, and the Corporation may hold such estate for a period of not more than five years, and the same or any part thereof or interest therein which may not within the said period have been alienated and disposed of, shall revert to the party from whom the same was acquired, his heirs or other representatives; And provided also, that the proceeds of such property as shall have been disposed of during the said period, may be invested in the public securities of the Province, stocks of chartered Banks, mortgages, or other approved securities, for the use of the said Corporation.

Corporate name and powers.

Proviso: real property limited.

Proviso: the Corporation may accept other property on condition of disposing of it within a certain time.

Proviso: for investment of proceeds.

Board of Trustees to be elected yearly.

2. The affairs and business of the said Corporation shall be managed by a board of eleven Trustees, to be elected annually at a general meeting of the members of the said Corporation, to be held on the third Monday in January in each year; and within one week after their said election the said Board of Trustees shall elect from among their number a President, Vice-President, Treasurer and Secretary; Any seven members of such Board of Trustees shall be a quorum for the transaction of business; The Trustees at present in office shall be and continue such Trustees until the first general meeting under this Act for the election of Trustees.

Quorum.

Present Trustees.

3.

Rules, regulations and By-laws may be made by members.

3. The members of the said Corporation, for the time being, shall have full power and authority to make and establish such rules, regulations and by-laws, in no respect inconsistent with this Act, nor with the laws then in force in this Province, as they may deem expedient and necessary for the interests and administration of the affairs of the said Corporation, and for the admission of members thereof; and the same to amend and repeal from time to time, in whole or in part.

Property of present association transferred.

4. All real and personal estate the property of the said Association, and all the debts, claims, and rights thereof, shall be, and they are hereby transferred to the Corporation constituted by this Act; and the said Corporation shall be charged with all the liabilities and obligations of the said Association; and the rules, regulations, and by-laws, now or hereafter to be established for the management of the said Association, so far as the same are not contrary to law, shall be and continue to be the rules, regulations, and by-laws of the said Corporation, until altered or repealed in the manner prescribed by this Act.

Members competent as witnesses.

5. In any action or suit brought by or against the Association, upon any contract, or for any matter or thing whatsoever, any member thereof shall be competent as a witness; and his testimony shall not be deemed inadmissible on account of interest.

Failure to hold election not to operate dissolution of Corporation.

6. In case it should at any time happen that an election of officers should not be made on any day when, pursuant to this Act, it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful, on any day, to hold and make an election of officers in such manner as shall be regulated by the by-laws and ordinances of the said Corporation.

Corporation may not establish separate schools for coloured people.

7. This Act shall not be construed in any way to admit of the establishment of separate schools, academies, or colleges for colored people; and the trustees of the Corporation shall have no power to build, buy, or rent any building to be used as such, but in all cases shall send all persons whom they may undertake to educate to the different schools, academies and colleges now or which may hereafter be established in the Province; Provided that such schools, academies and colleges are not set apart as separate for colored persons.

Proviso.

Public Act.

8. This Act shall be deemed a Public Act.

CAP. CXXV.

An Act to incorporate the Ladies' Protestant Home of Quebec.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS an Association has existed for several years in the City of Quebec, in this Province, under the name of the *Quebec Ladies' Protestant Relief Society*, for the purpose of affording relief and support to the destitute poor in the said City; And whereas, the said Association is composed of the several persons hereinafter mentioned, who have by their Petition represented that their success in carrying out their benevolent projects aforesaid, as well as providing a "Home" for the friendless and unprotected, would be greatly augmented by their legal incorporation, and have prayed that they and their successors may be incorporated under certain regulations and provisions hereinafter mentioned: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons incorporated.

1. Eliza Stewart, Caroline Newton, Mary Ann Bankier, Harriet Newton, Margaret Newton, Louisa Stewart, Ann Sheppard, Jane White, Caroline Gilmour, Mary Chaderton, Sarah Walker Veasey, Myrrha Austin, Lavinia Sewell, Henrietta Blatherwick, Mary Powis, Mary Richardson, Frances Tremain, Gertrude Sewell, Sophy Griffin, Jane Durnford, Matilda Ward, Elizabeth Drum and Jessy Cradock, and such other persons as shall under the provisions of this Statute become members of the said Association, shall be and are hereby declared to be a body politic and corporate, in deed and in name, by the name of the *Ladies' Protestant Home of Quebec*, and by that name shall have perpetual succession, and a common seal, and shall have power from time to time to alter, renew or change such common seal at their pleasure, and shall, by the same name from time to time, and at all times hereafter, be able and capable to acquire, hold, possess and enjoy for the purposes of this Act, by any title whatsoever, any moveable property whatsoever, and also any real or immoveable property or estate, lying and being within this Province, and requisite and necessary for their actual occupation, and the same to sell, alienate and dispose of as they shall consider for the advantage and interest of the said Corporation, and to purchase and acquire others in their stead, and the said Corporation may further acquire any other real estate, or any interest therein by gift, devise or bequest, if made at least six months before the death of the party making the same, and the Corporation may hold such estate for a period of not more than three years, and the same or any part or portion thereof, or interest therein, which may not within the said period have been alienated or disposed of, shall revert to the party from whom the same was acquired, his heirs or other representatives; provided always that the proceeds of such property

Corporate name and powers.

What real estate the Corporation may hold.

property as shall have been disposed of during the said period may be invested in the public securities of the Province, stocks of Chartered Banks, mortgages or other approved securities for the use of the said Corporation; and the said persons by the same name shall and may be able and capable in law to sue and be sued, implead and be impleaded, answer and be answered unto in all Courts of Law and Equity and places whatsoever, *in* as large, ample and beneficial a manner as any other body politic or corporate, or as any persons may and can do in any manner whatsoever, and shall have power and authority to make and establish such By-laws, rules and regulations, not being contrary to this Statute or to the laws in force in this Province, as shall be deemed useful or necessary for the interests of the said Corporation, or for the management thereof, and for the admission of members into the said Corporation, and *from* time to time to alter and amend, repeal or change the said By-laws, rules and regulations, or any of them, and shall and may do, execute and perform all and singular other the matters and things relating to the said Corporation and the management thereof, or which shall or may appertain thereto, subject nevertheless to the rules, regulations, stipulations and provisions hereinafter prescribed and established.

To make By-laws.

General powers.

Transfer of property and obligations from the Association to the Corporation, and present Officers continued, until, &c.

2. All and every the estate and property, real and personal, now belonging to the said association, and all debts, claims and rights whatsoever due to the said association, shall be and are hereby vested in the Corporation hereby established, and the said Corporation shall also be liable for all the debts and engagements of the said association; and the present Directresses, Managers, Secretary and Treasurer, shall be and continue to be the Directresses, Managers, Secretary and Treasurer of the said Corporation, until others shall be elected in their stead; And the By-laws, rules, orders and regulations now in force for the management of the Association herein first mentioned, not contrary to this Act, or to the laws of this Province, shall be and continue to be the By-laws, rules, orders and regulations of the said Corporation until altered or repealed in the manner herein provided; and the said By-laws, rules, orders and regulations shall be submitted to the members of the said Society for their approval and confirmation, at the first general meeting, at which they may be confirmed, rejected, altered, or amended, or new rules substituted for them, without any previous notice.

Present By-laws, &c.

To be submitted to a general meeting.

Married members need not be authorized by their husbands, &c.

3. It shall not be necessary to the validity of any act performed by any married woman, as a member of the said Corporation, or to her becoming such, that she be thereunto specially authorized by her husband; any law, usage or custom to the contrary notwithstanding.

Corporation to make returns

4. The Corporation shall at all times, when thereunto required by the Governor or either branch of the Legislature, make

make a full return of its property, real and personal, and of its receipts and expenditure for such period, and with such details and other information as the Governor or either branch of the Legislature may require. to the Governor or Legislature when called upon.

5. This Act shall be deemed a Public Act. Public Act.

CAP. CXXVI.

An Act to amend the Act incorporating the Toronto Horticultural Society.

[*Assented to 4th May*, 1859.]

WHEREAS it is expedient to amend the Act hereinafter mentioned: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. The fourth section of the Act passed in the twentieth year of Her Majesty's Reign, chapter one hundred and eighty-one, *to incorporate the Toronto Horticultural Society*, is hereby repealed, together with so much of the first section of the said Act as refers thereto. Section 4 of 20 V. c. 181, repealed.

2. From and after the passing of this Act, the said Society shall consist of Ordinary Members and Fellows, including the persons named in the said first section, and Henry Croft, J. E. Small, S. Heward, W. B. Phipps, the Reverend Henry Hope, the Reverend William Hincks, J. E. Pell, Thomas Maclear, J. M. Herschfelder, J. Ashby, Rice Lewis, W. A. Baldwin, W. B. Sullivan, J. E. Ellis and J. Tileman. Of what members the Corporation shall consist.

3. An annual subscription of two dollars shall constitute the party subscribing an Ordinary Member. Ordinary members.

4. An annual subscription of not less than five dollars, or a subscription in one sum of not less than fifty dollars, shall constitute the party so subscribing a Fellow of the Society. Fellows.

5. The Ordinary Members of the Society shall be entitled to admission to the exhibitions, and to compete for all prizes offered by the Society. Rights of ordinary members.

6. The Fellows of the Society shall have in addition the right of admission to the gardens, and such other privileges as the Society shall, by By-laws to be passed for that purpose from time to time, enact. Rights of Fellows.

CAP.

CAP. CXXVII.

An Act to enable the Rector of the first Parsonage or Rectory within the Township of Drummond, in the County of Lanark, and the Church Wardens thereof, with the consent of the Bishop, to raise a loan on certain Church property for the purpose of finishing the Church thereof.

[*Assented to 4th May*, 1859.]

Preamble. WHEREAS the Reverend Richard L. Stephenson, Master of Arts and Rector of the first Parsonage or Rectory within the Township of Drummond, in the County of Lanark, and Andrew W. Playfair and George Graham, the Church Wardens thereof, have, by their Petition to the Legislature, represented that the former Church thereof having been inadequate and being in a dilapidated condition, was taken down for the purpose of building another on the same site; And whereas a Church hath in a great part been built thereon, but cannot, for want of sufficient funds, be completed, and the petitioners have prayed for authority to raise a loan for the purpose of completing the said Church on the security of the lands hereinafter mentioned, which prayer it is expedient to grant: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

The Rector, with the consent, &c., may raise money on the security of certain church property.

1. It shall be lawful for the said Reverend Richard L. Stephenson, or his successor or successors in office, as the Rector of the said first Parsonage or Rectory within the Township of Drummond, in the County of Lanark, and Andrew W. Playfair and George Graham, or their successors in office as Church Wardens, with the consent of the Lord Bishop of the Diocese wherein the said Parsonage or Rectory may be situate, for the time being, to borrow a sum or sums not exceeding in the whole eight thousand dollars, from such party or parties as may be willing to lend the same, and at such rate of interest and on such terms and conditions as may be agreed upon, for the purpose of completing the said new Church,—and for securing the repayment of the sum so borrowed, to mortgage, with the consent aforesaid,

The property described, &c.

the lots of ground hereinafter described, that is to say: The whole of such part or parts of the north half of lot number six, on the north side of Craig street, and of lot number six, on the south side of Harvey street, in the Town of Perth, and also the east half of the Clergy Reserve lot number twenty-seven, in the ninth concession of the Township of North Elmsley, in the said County, containing one hundred acres, more or less; which said lots of land may be mortgaged as aforesaid, and the land may be seized in execution, sold by the Sheriff, and adjudged, and shall belong to and may be dealt with by the purchaser, in like manner as any other real property seized and sold in execution,

execution, any law, usage, or custom to the contrary notwithstanding.

The Rector, with consent, &c., may sell certain land, to pay money borrowed under this Act.

2. It shall be lawful for the said Reverend Richard L. Stephenson, or any of his Successors in office, as the Rector of the said first Parsonage or Rectory within the Township of Drummond, in the County of Lanark, and Andrew W. Playfair and George Graham, or their Successors in office as Church Wardens, with the consent of the Lord Bishop of the Diocese wherein the said Parsonage or Rectory may be situate for the time being, for the purpose of completing the said Church or of repaying any sum of money borrowed under the authority of this Act, or partly for each of such purposes, to sell the whole or any part or parts of the said north half of lot number six, on the north side of Craig street, and the whole or any part or parts of the said lot number six, on the south side of Harvey street, in the said Town of Perth, and also the whole or any part of the east half of the said Clergy Reserve lot number twenty-seven, in the ninth concession of the Township of North Elmsley, in the said County.

Public Act.

3. This Act shall be deemed a Public Act.

CAP. CXXVIII.

An Act to relieve Lawrence William Mercer from a penal disability.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS Lawrence William Mercer, late sheriff of the County of Norfolk, has been adjudged to forfeit his office as such Sheriff, by Her Majesty's Court of Queen's Bench for Upper Canada, under the provisions of the Imperial Statutes five and six Edward Sixth, Chapter sixteen, and forty-nine George Third, chapter one hundred and twenty-six; And whereas it is apparent that in the committal of the Act causing such forfeiture, the said Lawrence William Mercer acted under the advice of Counsel, and without any knowledge that he was committing any breach of the laws; And whereas under the circumstances it is desirable to relieve him from the disability under which he labors by reason of the said judgment, in respect of his capacity to hold office under the Crown: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

L. W. Mercer, relieved from any disqualification to hold office.

1. For and notwithstanding anything in the said recited Acts or either of them contained, the said Lawrence William Mercer shall be and he is hereby relieved from any disability or disqualification imposed upon or incurred by him under the said recited Acts or either of them, and shall be and is hereby restored to his competency to take and hold any office in the gift

gift of the Crown in this Province, in as full, ample and beneficial a manner as if he had never incurred the penalty of such disability and disqualification.

Public Act. 2. This Act shall be deemed a Public Act.

CAP. CXXIX.

An Act to enable the Trustees of the Estate of Charles Thompson, deceased, to mortgage and sell certain portions of his Real Estate.

[*Assented to 4th May*, 1859.]

Preamble. Recital of case. WHEREAS Charles Thompson, late of Summer Hill, in the Township and County of York, Esquire, died on or about the fifteenth day of February, one thousand eight hundred and fifty-eight, having first duly made and executed his last Will and Testament, in writing, dated on or about the thirteenth day of February, one thousand eight hundred and fifty-eight, and thereby appointed his sons-in-law, George Penny Dickson, of Elgin Mills, in the said County of York, miller, and John Coleman Griffith, of the City of Toronto, merchant, executors and trustees thereof, and guardians of such of his children as at the time of his death should be under the age of twenty-one years, and the said Charles Thompson thereby gave, devised and bequeathed unto his said Trustees, and the survivor of them, or the heirs, executors, administrators, or assigns of such survivor, all his real and personal estate, of what kind or nature soever, and wheresoever situate (except such real and personal estate as he might hold as trustee) to have and to hold to the said George Penny Dickson and John Coleman Griffith, and the survivor of them, and the heirs, executors, administrators, and assigns of such survivor, upon the trusts, and to and for the ends, intents and purposes hereinafter declared of and concerning the same, that is to say,—in trust, in the first place, to sell and dispose of so much and such parts of his said real and personal estate as might be necessary for the payment of his just debts (excepting such parts thereof as formed the Summer Hill estate, comprising Lot seventeen, in the second Concession of York, whereon he then resided, and Lot twenty, in the third Concession, with their respective appurtenances, and the household furniture and effects therein, which his desire was, should not be sold, but should be reserved and used as a place of residence for his wife and children, until the youngest of his said children should have attained the age of twenty-one years, or being a girl have married under that age,) and with the proceeds of the same to pay and discharge all his just debts and funeral expenses ;—Secondly, to pay to his wife Lucretia Williams Thompson, until the youngest of his said children should attain the age of twenty-one years, or being a daughter, should marry

marry under that age, the interest, rents, issues and profits of such of his personal and real estate as should not have been sold for the payment of his debts, as the same should accrue due, to be applied by her for her and their maintenance, and the education and benefit of his said children, as she might think proper,—Thirdly, upon trust, after payment of his said debts, and of the said interest, rents, issues and profits to his said wife; and when and so soon as the youngest of his said children shall have so attained their said age of twenty-one years, or married under that age, to divide, according to their judgment or the judgment of the survivor of them, the remainder of his estate, into as many equal portions, according to the value and not quantity, as he should have children then living, or having died, leaving a child or children them surviving; and forthwith to assign, transfer and convey to each of his said children, and the child or children of each deceased child or children as aforesaid, his, her, or their heirs, executors, administrators and assigns, one of such equal portions of his estate, the child or children of any of his children so dying, taking the portion that his father or mother would have taken, had he or she been living at the time of such division:—And the said testator by his said Will declared, that it should and might be lawful, subject to the reservations therein contained, for the said trustees or the survivor of them, or the heirs, executors, administrators, or assigns of such survivor, or any substituted trustee or trustees, to sell and absolutely to dispose of all or any of his real or personal estate by private sale or public auction, and for cash or on credit, and upon such securities as to them should seem reasonable, and convey, assign and transfer such real or personal property to the purchaser or purchasers thereof, by such deed or deeds, conveyances or assurances in the law as should or might be requisite for the vesting of such estate in the purchasers or purchaser thereof, in accordance with the contract or contracts respecting the same, and the intention of the parties; And whereas by a Codicil to the said Will, dated on or about the thirteenth day of February, one thousand eight hundred and fifty-eight, the said testator stated that his eldest son Charles Thompson had, for some time then past, been and still then was in the State of California, one of the United States of America; and that he the said testator was desirous that upon his return to this Province, he should be a trustee and executor of his Will and guardian of his children who were under age, in addition to the trustees, executors, and guardians named therein; and that he had determined to nominate and appoint him co-executor, trustee, and guardian under his Will; accordingly the said testator did thereby direct and declare that his said Will should, when and so soon as his said son should return to this Province, be read and construed in the same manner, and should have the same operation and effect in all respects, as if his said son had been named and appointed a trustee and executor thereof, and guardian as aforesaid, together with and in addition to the said George Penny Dickson,

Dickson and John Coleman Griffith; And in all other respects the said testator confirmed his said Will; And whereas the said Will and Codicil were duly proved, approved and registered by the said George Penny Dickson and John Coleman Griffith, on the thirtieth day of March, one thousand eight hundred and fifty-eight, in the then Court of Probate for Upper Canada, and the same have since been deposited in the Court of Chancery, pursuant to the Statute in such case made and provided; And whereas the said Charles Thompson, his son, has not returned to this Province, and is supposed to be still in California, and he has never assumed the performance of the duties and responsibilities of the Trusteeship of the said Will and Codicil; And whereas since the decease of the said testator, it has been discovered that he the said testator was largely indebted to various parties in mortgage, judgment and simple contract debts; such debts amounting in the whole to the sum of fifteen thousand pounds, or thereabouts; And whereas the said creditors are pressing their demands, and threaten and intend to sell the said property, designated as the Summer Hill estate in the said Will, which the majority of them have the power of doing, as well through the said mortgages as by executions, to a large amount, against lands, and writs of *venditioni exponas* have been placed in the hands of the Sheriff, and under which the Sheriff has advertised for sale the said Summer Hill estate, which sale, if forced and effected at the present time, *under* the authority of the Writs in the hands of the Sheriff, would be attended with great loss, if not total ruin to the estate, and to the great prejudice and injury of the infant children of the said testator, and the other parties, adults, entitled under his Will; And whereas, under the said Will, the said George Penny Dickson and John Coleman Griffith have no power to sell or mortgage the said Summer Hill estate, but are by the language of the Will restricted from so doing; And whereas the other property of the said Charles Thompson, the testator, is composed principally of wild lands, and against which mortgages and judgments are registered in the respective Counties in which the lands are situated, and the same are now unsaleable and unavailable; and even if they could be sold, would be wholly inadequate to pay off the debts of the said testator; And whereas Isabella Dickson, the wife of the said George Penny Dickson, Walter Thompson, and Olive Stowell Griffith, the wife of the said John Coleman Griffith, are respectively children of the said Charles Thompson, and Legatees under the said Will, and the only other parties entitled and interested under or in the devises and bequests in the said Will are the said Charles Thompson and Doyle Thompson, two sons of the said testator, both of whom are now, and for several years past have been resident in California aforesaid, and Sandford Thompson an infant of the age of eighteen years and upwards, George Clarence Thompson an infant of the age of fifteen years and upwards, Janet McMurrich Thompson an infant of the age of eleven years and upwards, Alice Amelia McGregor Thompson

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an infant of the age of nine years and upwards, and James Patten Thompson an infant of the age of six years and upwards; And whereas the said George Penny Dickson, John Coleman Griffith, and the said Lucretia Williams Thompson, the widow of the said testator Charles Thompson, have, by their petition, prayed for the enactments hereinafter contained, and it is expedient to grant the prayer thereof: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Executors of Will of Charles Thompson, authorized to sell or mortgage certain real estate to the said late Charles Thompson, belonging, and to have all powers necessary for that purpose.

1. From and after the passing of this Act it shall and may be lawful for the said George Penny Dickson and John Coleman Griffith, or the survivor of them, and the heirs, executors, or administrators of such survivor, or the trustees or trustee for the time being of the said Will, notwithstanding anything contained in the Will of the said Charles Thompson to the contrary, or not contained therein, as soon as conveniently may be, to sell or mortgage in fee or for a term of years, or partly to sell and partly to mortgage as aforesaid, for cash or upon credit, or partly for cash and partly credit, the fee simple and inheritance of the messuages, lands, tenements, hereditaments and real estate of the said Charles Thompson, deceased, forming the Summer Hill estate, comprising lot seventeen, in the second concession of the County of York, and lot twenty, in the third concession of the said County of York, in the Province of Canada, with their and every of their appurtenances, either entirely and altogether, or in parcels, and either by public auction or private contract, or partly by public auction and partly by private contract, with power to buy in the same at any sale, and to rescind any contract for sale of the said premises, or any part thereof, and to re-sell the same without being answerable for any loss which may happen thereby, and also with power to insert any special or other stipulations in any contract for or conditions of sale, either as to title or evidence of title or otherwise, and with power to execute, make, and do all such conveyances, surrenders, assurances and things for effectuating any and every such sale or mortgages as aforesaid as may be necessary or expedient, and to give and consent to all the ordinary and any special powers and authorities in such mortgages as to them or the survivor of them, or the heirs, executors or administrators of such survivor, or the trustees or trustee for the time being of the said Will, shall seem fit and requisite to carry into effect the objects of this Act, and also with power to agree or covenant to give in any mortgage to be executed by them or him, as such trustees or trustee, any per centage for the use of the money to be borrowed by them, as such trustees or trustee, as to them or him in their or his discretion shall seem fit, and also to agree to take and receive of any purchaser of them or him, as such trustees or trustee, of any of the lands by this Act authorized to be sold, such per centage per annum as they or he, in their or his discretion may, in any mortgage to be given to them or him, as such trustees or trustee, fix to be paid by any

any such purchaser of them as aforesaid during the period of any credit upon which any hereditaments may be sold for the amount of unpaid purchase money, and every such conveyance, surrender and assurance so made by the said George Penny Dickson and John Coleman Griffith, or the survivor of them, or the heirs, executors, or administrators of such survivor, or the trustees or trustee for the time being of such Will, shall be as valid and effectual as if the said testator had executed such conveyances, surrenders, or assurances, and it is hereby declared that the said George Penny Dickson and John Coleman Griffith, and the survivor of them, and the heirs, executors, administrators and assigns respectively of such survivor, or the trustees or trustee for the time being of such Will, shall by and out of the moneys to arise from any sale or mortgages of the said real estate hereby authorized to be sold and mortgaged as aforesaid, pay first the funeral and testamentary expenses and debts of the said testator, Charles Thompson, in the due course of administration and according to their legal or equitable priorities; and secondly, to invest the residue of such moneys in the name or names of them, the said George Penny Dickson and John Coleman Griffith, or the survivor of them, or the executors or administrators of such survivor, or the trustees or trustee for the time being of such Will, in or upon any of the public securities, or in the stocks of any of the incorporated banks, or at interest upon real securities in the Province, with power from time to time, or at any time, to alter, vary, or transpose such securities into or for others of the same or a like nature, at their or his discretion; And the said George Penny Dickson and John Coleman Griffith, or the survivor of them, or the heirs, executors or administrators of such survivor, or the trustees or trustee for the time being of such Will, shall stand and be possessed of and interested in the said trust moneys, stocks, funds and securities, and the interest, dividends, and annual produce thereof, upon trust to pay the income and proceeds thereof to the person or persons for the purposes and in the manner to whom but for the enactments herein contained, the rents and profits of the said Summer Hill estate would have been payable or applicable under the trusts contained in the Will of the said testator, Charles Thompson, deceased; and to pay and divide the corpus of the said trust moneys, stocks, funds and securities, unto, amongst and between the persons who, and at the time when, but for the enactments herein contained, would or might have become entitled to a share or shares in the said Summer Hill estate under any partition or division which would have been made in pursuance of such trusts.

Proceeds to be invested in certain securities.

Receipts of the two Executors to be sufficient discharge for purchase money of property or of securities.

2. The receipt or receipts in writing of the said George Penny Dickson and John Coleman Griffith, or the survivor of them, or the heirs, executors or administrators of such survivor, or of the trustees or trustee for the time being acting in the execution of the trusts of the Will of the said testator, Charles Thompson, for the purchase money of any property hereby authorized

authorized to be sold, or for any moneys raised by way of mortgage authorized by this Act, or for any moneys, stocks, funds or securities, paid or transferred to them or him under the authority of this Act, or in the execution of any of the trusts of the Will of the said testator, Charles Thompson, deceased, shall be an effectual discharge or effectual discharges for such purchase or mortgage, or other moneys, stocks, funds or securities; And the person or persons to whom the same shall be given, his, her or their heirs, executors, administrators or assigns, shall not afterwards be answerable or accountable for any loss, misapplication or non-application of such purchase or mortgage, or other moneys, stocks, funds or securities, or be in anywise obliged or concerned to see to the application thereof.

Parties receiving some not bound to see to application of such purchases.

3. On any sale or mortgage made under the provisions of this Act, the surplus of the money, after payment of the funeral and testamentary expenses and debts of the said testator, Charles Thompson, which shall remain in the hands of the said George Penny Dickson and John Coleman Griffith, or the survivor of them, or the executors or administrators of such survivor, or the trustees or trustee for the time being of the said Will, and the stocks, funds and securities upon which such surplus shall or may be from time to time invested, shall be considered for the purpose of devolution, of the same nature and character as the estate sold or mortgaged, and the heirs of the party or parties through whom title may have to be claimed, who would, in the ordinary devolution of the estate if the same had not been converted and changed from realty into personalty, have become entitled to some interest in the same as realty, after the discharge or failure of any of the trusts of the Will of the said testator, Charles Thompson, shall have the like interest therein as they would have had in the estate sold or mortgaged under the authority of this Act, if no sale or other disposition had been made thereof.

Proceeds for purpose of devolution to be considered of nature of estate sold or mortgaged.

4. In order to insure the raising of the actual amount which may be required for the payment of the funeral and testamentary expenses and debts of the said testator, Charles Thompson, it shall and may be lawful for the said George Penny Dickson, and John Coleman Griffith, or the survivor of them, or the executors or administrators of such survivor, or the Trustees or Trustee for the time being of the said Will, and without the necessity of any other person or persons whatever joining in the same, absolutely to sell and dispose of all and every or any of the mortgages which the said George Penny Dickson and John Coleman Griffith, or the survivor of them, or the Trustees or Trustee for the time being of the said Will, may take from any purchasers of the hereditaments hereby authorized to be sold, at such prices and subject to such abatements by way of discount from the par value of the same, as to them or him, in their or his discretion shall seem fit; Provided always, that the moneys so to be raised by them or him by sales, and disposition of such mortgages or any of them shall be held by them

Executors may dispose of mortgages taken by them upon such terms as they may think proper.

Proviso.

or him upon the same trusts, and for the same ends, intents and purposes, and be applied and disposed of in the same way and manner as are by this Act declared, of the moneys which may arise from the sale or sales, mortgage or mortgages of the lands, tenements and hereditaments by this Act authorized to be sold and mortgaged as aforesaid.

Right of Mrs. Thompson to dower, &c., not to be affected.

5. Nothing in this Act contained shall prejudice or deprive, or be construed to prejudice or deprive the said Lucretia Williams Thompson of any right, title or interest she now has or may have in or to dower of and in the lands and hereditaments aforesaid.

Conditions upon which Charles Thompson, the son, may become a Trustee.

6. The powers and interests herein given to the said George Penny Dickson and John Coleman Griffith for the purposes in this Act expressed, shall be shared in and jointly executed with them by the said Charles Thompson, the son of the said testator, whenever under the provisions of the codicil to the Will of the said testator, his said son shall become a trustee of the property of the said testator, and accept probate of the said Will and codicil; And in order to constitute the said Charles Thompson a co-trustee with the said George Penny Dickson and John Coleman Griffith, for the purposes of this Act, no conveyance, assurance or device shall be necessary or requisite beyond the performance of the conditions set forth in the Will of the said testator, and the acceptance of probate of the said Will and codicil by the said Charles Thompson, the son; whereupon, but not till then, he shall, for all the purposes of this Act, be a joint trustee with the said George Penny Dickson and John Coleman Griffith, for the purposes of this Act; And every new trustee to be hereafter appointed under the provisions of the Will of the said testator or otherwise, to act in the performance of the trusts of his said Will, shall, from and after such appointment, be also trustee with the continuing of other trustees, if any, of the said Will, for the purpose of carrying into effect the ends, interests and purposes of this Act, and no conveyance, assurance or device shall be necessary to effectuate such appointments to the trusteeship for the purposes of this Act.

New Trustees.

Public Act.

7. This Act shall be deemed a Public Act.

CAP. CXXX.

An Act to authorize Theophilus Cushing to construct a Boom or Booms extending from the main land to the *Isle du Curé de Repentigny*, on the north side of the River St. Lawrence.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS Theophilus Cushing, of the Parish of Repentigny, in the County of L'Assomption, Lower Canada, Lumberman, has represented by his Petition to the Legislature, that

that he is about to erect a steam saw mill at a cost of about twenty thousand dollars, on the bank of the St. Lawrence, nearly opposite to the Church in the said Parish of Repentigny; And whereas he has prayed by his said Petition to be authorized, he, his heirs and successors, to place a Boom or Booms across the passage from the main land to the Island opposite belonging to the *Curé* of Repentigny, and called in the said Petition "Labelle Island," and to erect and maintain the necessary Piers to support the same, for the purpose of securing and retaining mill logs; And whereas the said Theophilus Cushing has moreover shown that the construction of such works will in no degree impede the navigation of the St. Lawrence: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Cushing may make his booms at Labelle Island.

1. The said Theophilus Cushing, his heirs and assigns, is and are hereby permitted and authorized to place a Boom or Booms across the passage aforesaid from the main land to the said Island opposite belonging to the *Curé* of Repentigny, called "Labelle Island," and to erect and maintain the necessary Piers to support the same, for the purpose of securing and retaining mill logs; Provided that this Act shall not give to the said Theophilus Cushing, his heirs or assigns, any right to overflow by means of the said booms the lands of any other person, or in any way to injure the same without the consent in writing of the proprietors or occupiers thereof, and shall not in any way affect or prejudice the rights of such proprietors or of any other party for damage occasioned by such booms.

Proviso: he shall be responsible for all damages done by them.

Act not to affect other parties.

2. This Act shall not affect the rights of other parties acquired by Notarial Deeds or otherwise.

Cushing may sue those who injure his booms.

3. The said Theophilus Cushing, his heirs and assigns may, under this Act, maintain an action against any party who shall break, destroy or injure the said booms, or who shall in any wise prevent the use or enjoyment thereof by the owner or owners thereof.

Public Act.

4. This Act shall be deemed a Public Act.

CAP. CXXXI.

An Act to authorize Dame Ann Corse to erect and maintain an enclosed Iron Gallery across Fortification Lane, in the City of Montreal.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS Dame Ann Corse, of the City of Montreal, the widow of Henry Corse, Esquire, claims to be the owner and proprietor of the Saint Lawrence Hall, in Great

 Saint

Saint James Street, in that City, and of the extensive lot of land immediately in rear thereof, having its front on Craig Street and extending to Fortification Lane; And whereas the said Ann Corse petitioned the Mayor, Aldermen and Citizens of the said City of Montreal, stating that she purposed to erect a building upon the lot of land above referred to, and to connect the said buildings by an Iron Gallery across the said lane called Fortification Lane, and prayed the said Corporation to permit her to erect and maintain, from time to time, and when necessary to repair or rebuild an enclosed Iron Gallery across the said lane called Fortification Lane, to connect the second or third story of the said house known as the Saint Lawrence Hall with such contemplated building on the opposite side of the said Lane; And whereas a Committee of the said Corporation to whom the said petition was referred, reported upon the same, and recommended that the permission asked for should be granted by the said Corporation to the said Ann Corse, subject to certain conditions hereinafter contained and enacted; And the said Corporation adopted the said report in Council, on the second day of February, one thousand eight hundred and fifty-nine; And whereas the said Ann Corse hath petitioned Parliament, and prayed for legislative sanction to the said permission so granted to her by the said Corporation, and it is expedient to grant the prayer of her petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Ann Corse may erect a gallery across the said lane.

1. The said Ann Corse and her heirs may erect and maintain, and from time to time, when necessary, repair or rebuild an iron enclosed gallery across the said lane called Fortification Lane, in the said City of Montreal, and thereby connect the second or third story of the house known as the Saint Lawrence Hall, in the rear thereof on Fortification Lane, with any building which she or they may erect upon the said lot of land hereinbefore mentioned, and owned or claimed to be owned by her as aforesaid, immediately in the rear of the said house known as the Saint Lawrence Hall, which said lot of land has its front on Craig Street, and extends to the said Fortification Lane.

Description of the gallery;

2. The said gallery shall be at least ten feet in height and not more than twelve feet in breadth, and the floor thereof shall not be less than twenty feet above the surface of the said lane called Fortification Lane, and the said Ann Corse, or her heirs, or the owners for the time being of the said gallery, shall always, at their own expense, provide and suspend therefrom

To be lighted.

externally, a Gas Lamp with a sufficient supply of gas—to be approved of and kept lighted from time to time, as may be required by the said Corporation of Montreal.

3. Nothing in this Act contained shall deprive or be construed to deprive any proprietor or proprietors, tenant or tenants of property in the said lane called Fortification Lane, of his or their or any of their rights, claims or remedies for the recovery of compensation for any damage which the erection and maintenance of the said gallery shall cause to them or any of them. Act not to affect claims for damages.

4. This Act shall be deemed a Public Act. Public Act.

TORONTO :—Printed by S. DERBISHIRE & G. DESBARATS,
Law Printer to the Queen's Most Excellent Majesty.

1859.—22 VICTORIÆ

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STATUTES

OF THE

PROVINCE OF CANADA

PASSED IN THE 1443

TWENTY-SECOND YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA

AND IN THE SECOND SESSION OF THE SIXTH PARLIAMENT OF CANADA

Begun and holden at Toronto on the Twenty-ninth of January, in the year of Our Lord One Thousand Eight Hundred and Fifty-nine.

RESERVED ACT.

HIS EXCELLENCY

THE RIGHT HONORABLE SIR EDMUND WALKER HEAD, BARONET,

GOVERNOR GENERAL.

TORONTO:

PRINTED BY STEWART DERBISHIRE AND GEORGE DESBARATS,

LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Anno Domini, 1859.

of the comforts of matrimony, and was liable to have a spurious issue imposed upon him unless the said marriage should be declared null and void, and hath humbly prayed, that the said marriage might be dissolved so as to enable him to marry again, and that he might have such other relief as might be thought fit; And whereas the said John McLean hath made proofs of the adultery above recited, and it is expedient that the prayer of the said Petition should be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Marriage annulled.

1. The said marriage between the said John McLean and Diana Hewgill, his wife, shall be henceforth null and void, to all intents and purposes whatsoever.

McLean may marry again.

2. It shall and may be lawful for the said John McLean, at any time hereafter, to contract matrimony, and to marry with any other woman with whom he might lawfully marry in case the said marriage had not being solemnized.

Issue of any such new marriage to be legitimate, &c.

3. In case of the said John McLean again contracting matrimony with any person or persons with whom it would have been lawful for him to contract matrimony if they, the said John McLean and Diana Hewgill, had not intermarried, and having any issue born to him, the said issue so born shall be, and are hereby declared to be, to all intents and purposes, legitimate, and the rights of them the said issue, and of each of them, and of their respectives heirs, as respects their and each of their capacity to inherit, have, hold, enjoy, and transmit all and all manner of property, real or personal, of what nature or kind soever, from any person or persons whomsoever, shall be and remain the same as they would have been, to all intents and purposes whatsoever, if the marriage between the said John McLean and Diana Hewgill had not taken place.

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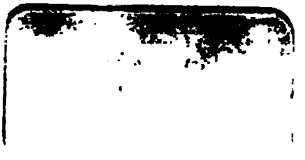
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